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Tuesday, 27 May 2008, 10 a.m.

New York

President:	Sir John Sawers	(United Kingdom of Great Britain and Northern Ireland)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

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08-35281 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Australia, Austria, Canada, Colombia, Georgia, Israel, Japan, Liechtenstein, Mexico, Myanmar, Nigeria, Norway, Peru, Qatar, Slovenia, Switzerland, Syrian Arab Republic and United Arab Emirates, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 21 May 2008 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2008/335 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council regarding the protection of civilians in armed conflict".

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. At this meeting, we shall hear a briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I welcome him to the Council and now give him the floor.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Security Council again on the protection of civilians in armed conflict.

Mr. President, the mural on the wall behind you, by the Norwegian artist Per Krogh, serves as a compelling reminder of the past —the world rising from the ashes of the Second World War into a period bearing the promise of peace, prosperity and equality.

But it serves also as a vivid reminder of the present — that millions of ordinary people are still trapped in the horror of war and conflict, hoping desperately to rise from the chaos that surrounds them into more peaceful times. It is also a reminder to the Council, to Member States and to the United Nations itself, of our collective responsibility to prevent war, to secure peace and, in its absence, to ensure the protection of civilians.

We see varying degrees of progress on all these fronts. In Kenya, mediation in the wake of post-election unrest reduced the prospects of intensified violence. The consolidation of peace and relative stability continues in Côte d'Ivoire, Nepal, Timor-Leste and, in a more fragile way, Uganda, allowing for the return of internally displaced persons and refugees. At the same time, recent upsurges in violence in recovering areas like Burundi and Southern Sudan are of great concern.

The full deployment of peacekeepers in Chad, the Central African Republic and Darfur has the potential to augment significantly efforts to protect and assist those caught in the turmoil of violence in the region.

But the risks of deterioration are currently very great. It is essential that these missions be given the requisite support and resources to fulfil their mandates.

Last but not least, we see the potential for notable progress towards improved protection for civilians from the devastating impact of cluster munitions. Over 100 States are currently gathered in Dublin to negotiate a treaty banning them. I urge States to seize this historic opportunity and conclude a treaty that has the protection of civilians at its core and that contributes to reducing the dangers they face from these weapons during and after conflict.

Important though this progress is, the stark reality remains that in conflicts throughout the world, countless civilians continue to see their hopes shattered by violence and displacement and their lives blown apart by suicide bombers or ground down by physical and sexual violence, deprivation and neglect.

In just the first five months of this year, more than half a million people have been displaced by conflict, both within and across borders. In Burundi, the Central African Republic, Chad, Somalia and Sudan, over 337,000 civilians have been forced to flee violence this year, some of them not for the first time. In the Democratic Republic of the Congo, the benefits of January's conference on peace, security and development are yet to be felt by those being sheltered in camps and public buildings in the east, including the 175,000 people newly displaced this year.

In Iraq, sectarian violence, as well as armed confrontations around Basra and Sadr City, have forced more thousands from their homes. In Afghanistan, conflict-induced displacement continues to undermine the gains made in the return or resettlement of those previously displaced. In Colombia and Sri Lanka, the threat of further displacement is ever present in some areas, as violence continues.

Of course, displacement is not the only indicator of conflict or of its impact on civilians. Each of the contexts that I have mentioned raises very different concerns for the protection of civilians. Allow me to elaborate today on three that remain particularly acute in many of today's conflicts: the conduct of hostilities, sexual violence and humanitarian access.

First of all, on the conduct of hostilities, civilians continue to account for the majority of casualties in armed conflict, often in flagrant violation of the rules of international humanitarian law governing conduct of hostilities.

In Darfur, for example, civilians remain the principal victims of attacks by Sudanese Armed Forces and the Janjaweed militia. In January and February, aerial bombardments and ground attacks on villages in west Darfur left 115 civilians dead, including elderly and disabled persons, women and children. Earlier this month, attacks on villages in north Darfur, including the bombing of a school, water installations and a market, resulted in further civilian deaths and injuries. Rebel attacks, often mounted from areas of significant civilian population, have also been heavy in civilian casualties.

Last month in Somalia, hundreds of civilians were killed or injured and thousands more were forced to flee their homes due to fighting in Mogadishu between the Government, supported by Ethiopian forces, and non-State armed groups. The number of casualties was no doubt exacerbated through the use of heavy weapons in civilian areas.

Israeli civilians remain subject to physical and psychological suffering caused by indiscriminate rocket and mortar attacks launched from the occupied Palestinian territory. In Gaza, Israeli air attacks and ground incursions continue to result in unacceptable Palestinian civilian casualties.

Non-State armed groups in Colombia continue to perpetrate killings, mass displacements, hostage-taking, sexual violence and forced recruitment of civilians. In Sri Lanka, hundreds of civilians have been killed or injured this year, including in attacks on civilian buses, railway stations and other public places. Only last month, over 40 civilians, including the Government's Highways Minister, were killed in separate suicide attacks. Yesterday, nine people died and 73 were injured when a bomb exploded on a busy commuter train in Dehiwela, a suburb of Colombo. Last Friday, a roadside bomb in Kilinochchi killed 17 civilians, on a main road used to reach families displaced by the conflict.

In Afghanistan, 300 civilians were killed in the first four months of this year in attacks by so-called anti-Government elements, the majority in suicide attacks. Though often aimed at military targets, the manner in which these suicide attacks are carried out almost inevitably leads to civilian casualties. Similarly, in Iraq, suicide attacks continue to be used with

chilling effect, while members of professional and religious groups, the media, and Government officials are targeted for assassination and abduction.

In both these contexts, I remain concerned also by civilian casualties resulting from air strikes and search operations conducted by national and multinational forces, as well as the number of so-called force protection incidents in which civilians are shot at after being considered a threat to military convoys or for not obeying instructions at checkpoints.

I do not for one second underestimate the challenge, in Afghanistan, Iraq and other contexts, of engaging an enemy whose members are difficult, if not impossible, to identify, and who see the surrounding civilian population as a shield from attack. This is an enemy for whom the principles of distinction and proportionality appear to have no practical meaning or application. Nevertheless, any military response must itself comply with international humanitarian law and demonstrate respect for the dignity of those already exposed to insurgent attacks.

Against this background, I welcome the inclusion in relevant Council resolutions of provisions calling for all parties to conflict to comply with international humanitarian law, including in resolutions authorizing multinational forces in Afghanistan and Iraq. I would encourage the continued and systematic inclusion of provisions to this effect in all relevant Council resolutions.

I also welcome efforts made by the International Security Assistance Force (ISAF) and other international forces in Afghanistan to minimize the risk of civilian casualties. Nonetheless, I would reiterate the Secretary-General's recommendation, from October's protection of civilians report, that ISAF and the multinational force in Iraq provide information in their quarterly reports to the Council on steps taken to ensure the protection of civilians in the conduct of hostilities.

Turning to sexual violence, we need further robust action to prevent and respond to such violence during armed conflict. Anything less risks condemning current and future generations of women and girls, and boys and men, to indescribable humiliation and cruelty followed by, for those who survive or who are born from such violence, a life defined by pain, stigma and rejection.

Following October's presidential statement on women, peace and security, Under-Secretaries-General Arbour, Guéhenno and I asked peacekeeping missions to provide improved reporting on sexual violence. This will help build a better picture of the problem in different contexts and allow for more targeted prevention and response activities by the missions and other actors. A conference begins today in the United Kingdom, bringing together military commanders, United Nations actors and some Member States to discuss practical actions that could be taken by peacekeepers in this area. We still have problems ourselves in this area and we also recognize that we have much more to do.

The Democratic Republic of the Congo has long been at the centre of our discussions on sexual violence, given the pervasiveness of the problem there and the sheer brutality with which those crimes are often perpetrated. We have long urged the Government and other actors on the ground to seek to address the issue. In March, the Ministry of Gender, Family and Children, in partnership with United Nations and civil society actors, launched a national campaign to raise awareness of sexual violence and the need for accountability. This is a welcome step, as was President Kabila's reaffirmation of his zero-tolerance policy on sexual violence during the Conference on Peace, Security and Development in January.

But we need to intensify our efforts to make this zero-tolerance a reality. This includes reversing, in places like the Democratic Republic of the Congo, the continued failure of the police and judiciary to take sexual violence seriously. Ineffective investigations, minimal prosecutions, interference by military and other officials in the administration of justice: these are all practices which have to stop. They are an affront to the rights of victims and serve only to reinforce the culture of impunity on which sexual violence has thrived for so long.

They also reaffirm the importance of the Secretary-General's recommendation in the protection of civilians report that consideration be given to establishing ad hoc judicial arrangements to support the national authorities in addressing sexual violence in the Democratic Republic of the Congo. For example, consideration could be given to creating a special, possibly internationalized, chamber within the Congolese criminal courts to prosecute sexual violence cases.

The Secretary-General also recommended using targeted sanctions in response to sexual violence. I welcome provisions in Council resolution 1807 on the Democratic Republic of the Congo that foresee the possibility of imposing such measures against the perpetrators of sexual violence. It is essential that the Group of Experts and the Committee of the Council have the necessary capacity to ensure implementation of these provisions and that Member States apply the required measures.

This problem must be approached with the same degree of concerted action wherever it occurs. I welcome provisions in Council resolution 1794 regarding the need to ensure accountability for the perpetrators of sexual violence and requesting the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to pursue a mission-wide strategy on sexual violence and to report regularly to the Council on actions taken. But I would like to have seen similar requirements in subsequent Council resolutions 1795 and 1812 on Côte d'Ivoire and the Sudan respectively.

The Democratic Republic of the Congo may stand apart in terms of the intensity of sexual violence. But it is no less essential that we take action to prevent the same horrific crimes against the displaced persons returning home to southern Sudan; or that we seek accountability for those who raped their way across Côte d'Ivoire and ensure support to their victims. It is precisely this need for consistency in approach that stands behind the proposed expert group of the Council, to which I shall return.

The third issue on which I would like to focus is humanitarian access. Safe, timely and unhindered access is fundamental to our efforts to protect civilians and assist those in need. Yet, throughout the world, including in countries on the Council's agenda, the harsh reality is that millions of people in need of protection and assistance remain beyond our reach owing to a variety of constraints.

Overall, improving access in concrete and practical terms remains a key priority for me. The Office for the Coordination of Humanitarian Affairs (OCHA) is continuing to develop a mechanism to enhance its capacity for reporting and analysis on access constraints in conflict settings. This analysis will be annexed to future reports of the Secretary-General on the protection of civilians and included in my briefings to the Council.

The intention is not to establish a league table of situations, ranked according to the severity of access constraints. Rather, it is intended to provide a disaggregated and qualitative picture of access constraints and their humanitarian impact.

It should provide a clearer understanding of how constraints impact different humanitarian actors, that is how insecurity impacts differently on United Nations agencies, international and national non-governmental organizations (NGOs). It will help to identify programmes that are seen by parties to a given conflict as more acceptable and which may constitute possible entry points from which operations can be expanded. In Afghanistan, for example, insurgent groups tend to be more disposed towards health programmes and those that provide employment opportunities for local populations.

The analysis will also help to identify emerging trends and patterns, such as the increased presence of commercial enterprises that are prepared to "pay for access". Such practices will, inevitably, have unwelcome implications for free and unhindered access by humanitarian actors working in the same area. Ultimately, the analysis should provide the basis for more nuanced, targeted and practical measures to mitigate access constraints.

One known key factor in all this is the degree of acceptance of humanitarian actors by local populations and parties to the conflict. This is critical for reducing security risks and enhancing access. This means good local knowledge and contacts, as well as constant reassertion to all concerned of the need for full respect for humanitarian principles. It also requires sustained and consistent dialogue about principles and needs with all actors who can facilitate our access to people in need. And that may, in some situations, include those seen by many as terrorists.

Not all constraints on access constitute violations of international humanitarian law. For example, some result from the absence, or poor state, of roads or other infrastructure, such as in the Democratic Republic of Congo. Climatic conditions make areas inaccessible during rainy seasons when rivers cannot be crossed, or in winter, in periods of heavy snowfall, a particular problem in parts of Afghanistan. Sometimes, our access is temporarily constrained by active fighting.

Other constraints clearly are violations of international humanitarian law. One of the most alarming and direct threats to humanitarian operations today stems from deliberate attacks against humanitarian workers in addition to other security-related incidents. Often it is difficult to determine the motivation of the perpetrators and their affiliation. Are they connected with a party to the conflict? Are they targeting humanitarian staff, whom they do not perceive as neutral? Are they armed or criminal elements taking advantage of the climate of insecurity and preying on a soft target? Or is there some personal or revenge motive?

Less than four weeks ago, Save the Children's Country Director in Chad was killed when his convoy was attacked by unidentified gunmen, underlining the increasingly dangerous operating environment for humanitarian workers in that country.

Across the border in Darfur, seven humanitarian workers were killed and 109 abducted in the first four months of this year. 131 agency vehicles were hijacked and humanitarian premises broken into by armed actors on 52 occasions. Humanitarian workers have been forced to relocate from areas of operation on eight occasions, disrupting the provision of vital assistance to populations in several locations.

In Somalia, 12 humanitarian staff were killed in the first five months of this year. The threat of violence is exacerbated by public threats and accusations of partisan behaviour levied against the humanitarian community by the Government and armed groups. In Afghanistan, a significant proportion of attacks against NGO staff by anti-Government elements are said to be motivated by perceived support for the Government on the part of NGOs.

Another major constraint on our operations stems from restrictions on the movement of staff and goods owing to checkpoints and spontaneous roadblocks. In Somalia, the proliferation of such obstacles has led to severe delays, diversion and looting of relief items and additional costs incurred through charges levied at checkpoints, which can run into hundreds of dollars. Between October 2007 and March 2008, the number of checkpoints on routes used by the World Food Programme increased from 224 to 311.

In a different and less dangerous but no less frustrating context, in the West Bank, there are still over 600 checkpoints and roadblocks, though I hope recent promised reductions will improve this situation. Between November 2007 and April 2008, United Nations vehicles experienced delays or were turned back at checkpoints on 516 occasions. Over 4,000 staff hours were lost due to delays or denials of access at checkpoints in March 2008.

Interference in humanitarian activities or the overt diversion of aid is another significant constraint on our operations in some contexts. In Somalia, for example, we face an acute phenomenon of so-called gatekeepers who try to control access to communities in need, often in return for a portion of the aid being provided.

Another major constraint stems from bureaucratic requirements for the entry and movement of staff and goods. For example, requirements governing the entry into Sri Lanka of humanitarian personnel and relief items continue to impede our operations. The entry of international staff designated for work in conflict areas requires the authorization of three ministries and many staff hours to process the necessary documents.

Operations in Sri Lanka are further constrained by restrictions on the amount, type and mode of transportation of relief goods and other items. For example, restrictions on the movement of construction materials and fuel from Government to Liberation Tigers of Tamil Eelam-controlled areas is affecting shelter and sanitation activities.

Ad hoc demands and requirements by officials at the local level also reduce, or paralyse, the passage of assistance. In North Darfur, for example, the Wali issued a decree earlier this month directing the cessation of flights to and from El Fasher by the United Nations and other organizations and the suspension of road travel outside El Fasher for the United Nations and NGOs. While United Nations flights resumed the following day, the ban on road travel has effectively curtailed access throughout the State except for in, and around, the major humanitarian hubs.

While clearly outside the scope of this report and debate, I note in passing that access can, of course, be an issue not only in situations of conflict but also in the aftermath of natural disasters, as we have seen most recently following Cyclone Nargis. I hope this issue is now resolved, but implementation will be key. Meanwhile, this example demonstrates that we must find a satisfactory way of dealing with access issues for natural disasters as well.

As I hope you will see from this, the issue of constraints on access is complex. But the issue is crucial. We are continuing our analysis so that the first fruits will be available to the Council in the autumn.

Vital progress has been made in the nine years since the Council first considered the protection of civilians in armed conflict. There is increased awareness among Member States of the issues involved and their relevance to the Council's work. Four thematic resolutions on the protection of civilians, in particular resolution 1674 (2006), have established a comprehensive — and ambitious — framework for action. The challenge now is to realize that ambition and ensure the systematic consideration of protection of civilians issues in the Council's work.

To this end, I would emphasize the importance that we and, I believe, a number of Council members, attach to the Secretary-General's recommendation for the creation of a Security Council expert group on the protection of civilians.

For those who harbour reservations, let me be clear that we are not proposing a subsidiary body of the Council with the bureaucratic and resource issues that that implies.

Rather, we envisage an informal forum that would bring together all of the Council Member States at the expert level for transparent, systematic and timely consultation on protection of civilians concerns, particularly, but not only, in the context of the establishment or renewal of peacekeeping mandates.

The Security Council has come far in addressing the protection of civilians in armed conflict. But I believe the Council could go further. A more consistent approach to integrating the protection of civilians into all relevant aspects of the Council's work could make a very real difference to the lives of millions of people trapped in the chaos and horror of war.

An expert group of the kind I have described would, I believe, be a useful vehicle to help take you there.

The President: In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to members of the Council.

Mr. Spatafora (Italy): I thank you, Mr. President, for organizing this debate and once again bringing to our attention an issue that is and must remain, as the Secretary-General said to us last November in vibrant and powerful words, "an absolute priority" (*S/PV.5781, p. 2*) for the Security Council and for Member States.

Italy fully associates itself with the statement to be delivered later by the Republic of Slovenia on behalf of the European Union. I will just add a few remarks.

We warmly welcome the statement of Under-Secretary-General Holmes and his extremely focused and action-oriented approach. He has offered us, I would say, a really outstanding, very disturbing, frustrating and almost appalling briefing.

We all know and welcome the progress made by the Security Council on this issue as recalled by Mr. Holmes. First of all, resolution 1674 (2006) reaffirms the principle of the responsibility to protect, a "cardinal achievement" (*S/2007/643, para. 11*) of our Organization and one that must be read and operationalized in a non-confrontational manner. In general terms, concerning the protection of civilians in armed conflict, I feel that the briefing of the Under-Secretary-General requires us, for our part, to look at the issue with a ground-centred operational approach, as he has done. We must never lose sight of the fact that what matters most at the end of the day is if and how we are able to deliver and have an impact on the ground in bringing relief to those who suffer.

I think that is why the briefing of Under-Secretary-General Holmes is so disturbing: because it questions how much of an impact we are able to have. In fact, as I was saying, the Under-Secretary-General paints a very disturbing and troubling picture of conflict situations throughout the world, including constraints and denials of access of humanitarian personnel to vulnerable people caught in conflict and negative developments in the conduct of hostilities, among which is the scourge of sexual violence. We are convinced that when used as a method of warfare and when it deliberately targets the civilian population or is part of a widespread attack against civilian population,

sexual violence in situations of armed conflict is a threat to international peace and security, and therefore the business of this Council. It is time that we fulfil our responsibility and move from merely denouncing those crimes to taking concrete action to end them.

In operational terms, the most recent report of the Secretary-General (S/2007/643) was very clear, precise and focused on which actions we need to take in the following weeks and months. We are strongly in favour of the proposal regarding an informal forum for consultations on protection concerns at the expert level among Council members. Here I will not repeat what was so eloquently clarified by Ambassador Holmes. I definitely think that that informal mechanism for consultations would enable us to facilitate a systematic consideration of the protection of civilians in the Council's deliberations, specifically when considering the establishment, assessment and renewal of peacekeeping mandates. There should be no new mechanisms, just, as underlined by Under-Secretary-General Holmes, an informal gathering, a "light" tool for that enhanced operational and ground-centred approach I was just referring to. It will make the difference if it will give an added value to this ground-centred approach. I call on my colleagues: let us deliver on such proposed action and try to sit down at the same table. Discussing together is the best way of achieving our goal. Once again, what is at stake is our credibility in delivering.

I have just two final remarks on other operational tools.

First, on peacekeeping, United Nations operations must be clearly mandated to ensure the protection of civilians and subsequently report on it. Once again, I welcome the joint study being conducted by the Office for the Coordination of Humanitarian Affairs and Department of Peacekeeping Operations, mentioned in the report of the Secretary-General.

Secondly, on access, we have greatly appreciated the update received on the enhanced mechanism for the monitoring and reporting system. More systematic and timely reports by the Emergency Relief Coordinator to the Council on serious access constraints are necessary. We need an effective system of proactive monitoring and prevention, and here I would like to underline the term "proactive". The attention of the Council must be drawn to the different types of access constraints — which do not necessarily mean violations, as has been highlighted — as soon as they arise. And then we must react and find ways of being effective operationally and not just through statements. We do not have the luxury of wasting time when innocent lives are at stake.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation wishes to thank Under-Secretary-General Holmes for his detailed and informative briefing. The Chinese delegation also appreciates his efforts and his extensive work on the ground since he took office. We express our positive assessment of the work accomplished by the relevant United Nations agencies on the ground for many years.

The Security Council has been discussing the protection of civilians in armed conflict for almost a decade and has adopted many resolutions and presidential statements on the matter, including resolution 1674 (2006), which constitutes the legal framework within which the Security Council may address this issue.

However, as the characteristics of conflicts change and the complexity of interwoven issues increases, many civilians are still being negatively affected by armed conflict. The implementation of the aforementioned resolutions still faces challenges. We express our profound concern about the threat to the life and property of civilians in armed conflict and call upon the parties involved in conflict to comply with international humanitarian law and the relevant resolutions of the Security Council and to protect the life, property and legitimate rights and interests of civilians.

On this occasion, I would like to highlight the following points on how to improve the protection of civilians in armed conflict.

First, the Security Council should strengthen its efforts to prevent conflict and safeguard peace. Civilians are a vulnerable group in situations of armed conflict. The best protection that can be offered to civilians is to prevent and reduce armed conflicts. The Security Council should proceed to take action within its mandate to prevent and reduce armed conflicts, improve the effectiveness of peacekeeping operations and improve the humanitarian situation in conflict areas. Meanwhile, the Security Council should not approach the question of civilians in an isolated manner. It should take an integrated approach to addressing the issue as an integral part of the peace

process and the complex political situation in a given conflict area.

Secondly, the role of national Governments in the protection of civilians should be respected and supported. The primary responsibility for the protection of civilians lies with national Governments. The international community and external forces can provide constructive help and support. However, they should provide this in compliance with the provisions of the Charter of the United Nations and in full respect for the will of the countries concerned. It should not undermine the sovereignty and territorial integrity of the countries concerned and, still less, intervene forcibly.

Thirdly, when discussing the protection of civilians in armed conflict, the Security Council should approach the concept of the responsibility to protect — and especially its application — with great prudence. The Final Document of the 2005 World Summit devoted a lengthy section to a very careful description of the responsibility to protect civilians from massacres, war crimes, genocide and crimes against humanity. It also indicated that that concept should be further considered by the General Assembly. Many members are currently deeply concerned about the concept of the responsibility to protect, and the relevant discussions should therefore be pursued in the United Nations. The Security Council is in no position to interpret or expand the concept of the responsibility to protect at will, much less to abuse it.

Fourthly, humanitarian assistance should be delivered in accordance with the principles of fairness, neutrality, objectivity and independence. Humanitarian relief is closely and practically linked to the protection of civilians. Humanitarian relief agencies provide assistance and support to civilians in dangerous circumstances. Those efforts should be appreciated and acknowledged. Moreover, humanitarian assistance must retain its credibility and humanitarian nature. It should be undertaken in accordance with international humanitarian law and the principles of fairness and neutrality. It should not be allowed to become embroiled in local political disputes or involved in actions that affect the peace process on the ground.

The protection of civilians in armed conflict cannot rely solely on the efforts of the Security Council. We expect the General Assembly, the Economic and Social Council and the Human Rights Council to play a greater role. We also encourage the United Nations Development Programme, the World Bank and other international agencies, as well as such regional organizations as the African Union, to play their role in helping the countries concerned in their economic development, the resolution of their conflicts and the promotion of reconstruction. We also welcome the positive role that non-governmental organizations play in that regard.

China is prepared to join with the rest of the international community in a solid and effective effort to enhance the protection of civilians in armed conflict and achieve more constructive results.

Mr. Kumalo (South Africa): My delegation wishes to thank the United Kingdom presidency for organizing this open debate on the protection of civilians in armed conflict. We also commend the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, for briefing the Council.

In armed conflicts around the world, civilians continue to be displaced, killed, maimed and often raped. According to the Secretary-General's report, for 35 million people around the world, flight has become the only option. The deliberate targeting of civilians and the indiscriminate and excessive use of force, including suicide attacks, have become widespread in certain places, creating a climate of fear aimed at further destabilizing and displacing civilian populations. In other conflict situations, even militarily superior parties, including multinational forces, are often compelled to respond with methods and means of warfare that violate the principles of distinction and proportionality, of which civilians again bear the brunt.

Therefore, addressing the specific protection needs of women and children remains an important matter for the United Nations system. My delegation reiterates our support for the implementation of resolutions 1325 (2000) on women, peace and security and 1612 (2005) on children and armed conflict. That means that concrete proposals are also needed to ensure the right of refugees and internally displaced persons to safe and unimpeded voluntary return.

South Africa, as a signatory to the Geneva Conventions of 1949 and its two Additional Protocols of 1977, wishes to underline the importance of adhering to the principles contained in those Conventions and to appeal for the full implementation

of the commitments made by all States parties to those basic tenets of international law. The Security Council should also continue to call upon all parties to conflict, including multinational forces authorized by the Council, to uphold their international humanitarian law and human rights obligations and to report on steps taken to ensure the protection of civilians during the conduct of hostilities.

The issue of humanitarian access will require further attention so as to find ways to ensure that those in need of life-saving assistance receive it and that those who provide it do so in a secure environment in which attacks on humanitarian workers are not tolerated.

According to the Secretary-General's current report, constraints on or denials of access can take several forms. Those are constraints imposed by the operating environment, such as the destruction of infrastructure; the attempts by parties to conflict to restrict or block access; time-consuming bureaucratic procedures for importing humanitarian supplies and restrictions, or delays in issuing visas and travel permits for humanitarian personnel; and the constraints resulting from deliberate attacks on humanitarian workers.

The Council should look into the Secretary-General's proposal for establishing mechanisms to enable United Nations humanitarian agencies to have some working-level dialogue with all parties to armed conflict on the ground. Such dialogue would be necessary for establishing "deconflicting" arrangements to agree upon the routes and timing of humanitarian convoys and airlifts to avoid accidental strikes on humanitarian operations. Such dialogue would also promote humanitarian corridors and days of tranquillity.

In the case of the occupied Palestinian territories, the blockade should be lifted so that the Office for the Coordination of Humanitarian Affairs can have contact and dialogue with all parties, particularly in Gaza, and provide the necessary humanitarian assistance. Therefore, it is important that humanitarian assistance continues to be provided in accordance with the principles of humanity, neutrality, impartiality and independence.

The protection of civilians in armed conflict must remain a priority of the United Nations system. My delegation is therefore of the view that finding a common solution to the protection of civilians would need the cooperation of each and every Member State. We further believe that the protection of civilians would be better addressed in partnership with regional mechanisms, and that strengthening dialogue and cooperation between the Security Council and regional organizations would contribute to tackling common security challenges and ensuring speedy action on the ground.

Finally, allow me to convey my delegation's deep regret at the tragic killings that took place earlier this month of two aid workers, a World Food Programme-contracted truck driver in Somalia and a country director of Save the Children in eastern Chad. The deaths of those humanitarian workers underline yet again the dangerous and volatile environment that aid workers have to endure in giving assistance to civilians caught in armed conflict. The loss of their service is a loss to all of us.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): Thank you, Mr. President. I would like to thank you for having convened this important meeting and thank Mr. Holmes for his valuable report on the current situation in the field and the principal challenges linked with the protection of civilians in armed conflict.

My delegation would have preferred to hear about today's panorama in very different terms from those that the Council encountered six months ago. However, once again we are witness to situations in which many Governments disregard the pressing needs of their populations. It is regrettable that those allegedly responsible for serious crimes, including some who have been called before the International Court of Justice, go unpunished, making a mockery of international law and justice.

As Mr. Holmes has told us today, there are many and very diverse obstacles to protecting civilians. My delegation wishes to highlight limitations on humanitarian access, as we have seen in Myanmar in recent weeks, as well as other obstacles that prevent the deployment of peacekeeping missions, as we see in Sudan, where the Government raises obstacles to the full implementation of the mandate of the African Union-United Nations Hybrid Operation in Darfur. Violations of international law in the conduct of hostilities are also a source of concern to us, such as the use of human shields by terrorist groups and the

indiscriminate use of force by private security companies and the multinational force in Iraq, or deliberate attacks against civilians in the conflict between Israel and Palestine. There, civilians, particularly children and women, are direct victims of the escalation of violence through rocket attacks, military incursions or the obstruction of a continuous supply of humanitarian assistance. Sexual violence and gender-based violence, used as a weapon of war, as we see in Sudan and in the Democratic Republic of the Congo, are also a particular source of concern to my delegation.

On this topic, as a member of the open-ended group that last year adopted a strategy of providing support to the victims of sexual exploitation and abuse by United Nations personnel and associated staff, I was very distressed to see the report on Save the Children in the *London Daily Telegraph* today, reporting on what seems to be an abiding problem — the abuse and sexual misuse linked to United Nations staff, even to humanitarian personnel. That has cast a shadow over the whole Organization, which is the lesser evil. The greater evil is the fate of the children — the boys and girls, as well as adults, who are victims of those terrible acts. Zero tolerance must stop being just a slogan used to condemn sexual violence as a tool of war or intimidation. It should also stimulate our efforts to ensure that humanitarian staff, and United Nations personnel, in particular, are always seen as bringing relief, hope, peace and well-being to those whom we are committed and obliged to protect.

My delegation is also concerned by the continuing use of cluster bombs, which are killing innocent people along the borders between Lebanon and Israel. We could go on listing all types of situations where owing to different factors, but in particular a lack of political will, hundreds of thousands of civilians are killed or are the direct targets of this violence daily. We see it in Sudan, in Somalia, in Chad and in the Democratic Republic of the Congo, where it is clear the protection of civilians must be part of the political strategy to reduce short and long-term risks to the population while there is action to provide physical protection and the vital assistance they need to survive. It must be clear to us that, while humanitarian assistance and peacekeeping missions are important protection mechanisms, these are only temporary solutions, that are unsustainable without the appropriate political framework, as sadly we see in Somalia, where for the time being it is not even possible to deploy a peacekeeping operation and hundreds of people are dying every day.

We clearly understand that constrained resources are one of the greatest challenges for missions, such as in Sudan and the Democratic Republic of the Congo, when it comes to discharging their mandate appropriately. But we must bear in mind that the same resources could produce far greater dividends, if they were also invested in tackling the roots and causes of the conflict. A development-based perspective on protection could, for instance, provide increased access to water in cases like Sudan, where the struggle for access to natural resources is an important part of the conflict. That is why we restate our appeal that, every time the Council extends or authorizes a peacekeeping mission, it should incorporate a suitable peacebuilding component, with coordination of United Nations system activities, so as to turn it into an integrated mission.

My delegation is concerned by the fact that, although the majority of us agree that the protection of civilians is a general objective and one of the main justifications for United Nations presence in the field, at the same time we lack a unified and adequate understanding of the topics and dimensions that comprise the protection of civilians, particularly in multi-agency operations, where a concerted focus is particularly necessary to provide effective protection.

The different political, humanitarian, military and development components of the various United Nations missions in the field lack such an integrated focus on the protection of civilians. Compliance with protection mandates depends on the interpretation that each mission wishes to give it. The protection of civilians should be one of the main mandates in any United Nations mission in the field, whether it is a peacekeeping operation, or a political or peacebuilding mission. As established in resolution 1674 (2006), we must work on drawing up clear guidelines to ensure effective coordination among the various actors involved, in particular between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations.

My country gives priority to the Council receiving extensive information on the implementation of the eight civilian-protection mandates created since 1999 so that we may assess their effectiveness and

impact in the field and take the necessary measures to strengthen them and extend their application to other situations where it may be necessary.

Finally, my delegation would like to say that it looks favourably upon the recommendations to create a working group on the protection of civilians in armed conflict. This could be a useful tool to strengthen the work of the Council in this field through ample, systematic and, above all, continuous analysis and debate of the necessities for protection in each case.

Mr. Wolff (United States of America): We appreciate the opportunity provided by this meeting for the Council to reaffirm its steadfast commitment to the protection of civilians in armed conflict. I would also like to thank Under-Secretary-General Holmes for his briefing and continued hard work in this area.

Although today's presentation makes clear that there have been some positive developments since we last discussed this issue, much remains to be done if the international community is to achieve an adequate level of protection for civilians in armed conflict. As my delegation has stated before, the primary responsibility for protecting civilians lies with the parties to the armed conflict and the national governments concerned. However, the efforts of the United Nations should support and reinforce that role. In situations where either the national Government or the parties to an armed conflict are unable or unwilling to protect civilians, the international community can play an important role.

I would like to address the four challenges highlighted by Under-Secretary-General Holmes and in the Secretary-General's report (S/2007/643).

The United States shares the view that we must stand ready to help ensure the safety and security of the courageous and dedicated humanitarian workers who attempt to provide relief throughout the world. As we all know, there is a lack of humanitarian access in many areas of conflict that must be urgently addressed.

In particular, we support the goal of the return of the United Nations Political Office for Somalia, and critical elements of the United Nations country team from Kenya to Somalia, as soon as it is feasible, which will help the United Nations to coordinate humanitarian relief. We urge all parties to facilitate the critical work of the United Nations and humanitarian non-governmental organizations. In that regard, we welcome the recent appointment by Somali Prime Minister Nur Adde Hassan Hussein of a humanitarian focal point. We look forward to that appointment facilitating humanitarian work in Somalia.

Regrettably, this challenge exists elsewhere in Africa. As has been necessary to state all too often in the Chamber, millions of people in the Darfur region of the Sudan are at the mercy of the humanitarian assistance lifeline provided by the international community. But that aid continues to be hindered by Government and rebel actions and inaction, despite agreements and promises to the contrary.

The hardships facing the Israeli population in southern Israel and the Palestinian people in Gaza also rightly merit the continued concern of the international community. Recent terrorist attacks by Hamas only exacerbate the plight of the Palestinian people, by making it more difficult for the international community to deliver much-needed humanitarian assistance and goods to the people of Gaza. While Israel has an unquestionable right to defend itself against terrorist attacks, we urge the Government of Israel, when responding to attacks, to take all appropriate steps to avoid civilian casualties and to minimize the impact on innocent civilians.

My Government remains gravely concerned about the ongoing and widespread use of sexual and gender-based violence in conflict situations throughout the world. It is one of the most significant protection challenges, and one that is too often ignored. Sexual and gender-based violence must be more effectively addressed. United Nations peacekeeping missions have a clear role to play in preventing that violence and addressing its impact. The United States condemns sexual violence as an instrument of policy and calls on all Member States to end that gross injustice. We were encouraged last fall by the adoption without a vote of General Assembly resolution 62/134, calling on States to end impunity by prosecuting and punishing those who use rape and other sexual violence to advance military or political objectives, to protect and support victims, and to develop and implement comprehensive strategies on prevention and prosecution of rape. The United States urges all Member States to take concrete steps to end both the use of rape as an instrument of war and impunity for perpetrators. During my Government's presidency of the Security Council in June, in a further effort to continue progress in that area, we and others will pursue a draft resolution

addressing the role of women in conflict, in particular as regards sexual violence in situations of armed conflict, as part of a ministerial-level meeting on women in conflict.

The United States continues to seek comprehensive approaches to resolve protracted refugee situations in all parts of the world through support for durable solutions. We also seek innovative approaches to develop livelihood strategies and to maximize opportunities for refugees, self-reliance and empowerment.

Where conflict is causing civilians to flee and seek asylum, we are actively working with other Governments to provide protection to those in need. We call on all Member States to renew their commitment to uphold the right to asylum, to protect civilians from forcible return to face persecution and to provide durable solutions for refugees.

The United States shares many of the humanitarian concerns associated with the use of cluster munitions expressed in the Secretary-General's report. My delegation wishes to make clear that the United States is committed to reducing the harm that those weapons can cause to civilian populations. However, we do not share the Secretary-General's conclusions and related recommendations regarding the desirability of a treaty emerging from the Oslo process. We do not believe that abandoning cluster munitions is tenable from a military standpoint, or that banning them without the participation of those States most likely to use cluster munitions is the option that will have the greatest positive humanitarian impact. Rather, my Government believes that a useful agreement that would include all the primary users and producers of cluster munitions is possible in the framework of the Convention on Certain Conventional Weapons. Thus far, negotiations in the context of the Convention have been positive. The first two sessions have produced some real progress towards a document. The July 2008 session will be pivotal to our work, and the United States is preparing to make intensive efforts at that session. We remain hopeful that an agreement can be achieved this year.

The United States remains committed to the protection of civilians in armed conflict, in connection both with the work of the Council and with our activities throughout the world. In that regard, we commend the Secretary-General and Under-Secretary-General Holmes for their efforts and personal commitment to help the people of Burma in the aftermath of cyclone Nargis, in particular by pushing for unhindered access by international humanitarian experts and workers to conduct a thorough assessment of the situation and to accelerate the flow of desperately needed humanitarian assistance.

Overall, the United States would like to encourage strong Security Council and multilateral action generally to deal with one key source of humanitarian crises in armed conflict, that is, Governments or actors that deliberately target or fail to protect civilians and generally fail to respect the protected status of civilians and civilian objects. In that regard, my Government fully shares the Secretary-General's concerns about any erosion of the principle of distinction, which requires parties to armed conflict to distinguish at all times between combatants and civilians and to direct attacks only against combatants and military objectives, as well as about the all-too-frequent disregard for the principle of proportionality in balancing harm to civilians and civilian objects against military gain in a particular attack. As the Secretary-General's most recent report correctly declares, "Deliberate targeting of civilians has become more widespread" (*S/2007/643, para. 22*).

In closing, the United States once again commends the Secretary-General, the Office for the Coordination of Humanitarian Affairs (OCHA) and OCHA's humanitarian partners for their dedicated work in life and death situations to provide assistance and to be advocates for the protection of civilians, particularly children, women, the elderly and other vulnerable groups.

Mr. Bui The Giang (Viet Nam): I wish, first of all, to thank you, Mr. President, for convening this open debate on a very important topic. I take this opportunity to express my delegation's appreciation to Under-Secretary-General Holmes for his comprehensive briefing. We are convinced that periodic briefings on this issue constitute a critical mechanism to update the Security Council on the situation and to take appropriate measures.

My delegation joins other Council members in welcoming efforts made by the Office for the Coordination of Humanitarian Affairs (OCHA) and United Nations missions to protect civilians in armed conflict. We also recognize the progress they have

made in recent years, which has contributed to lessening civilian suffering in some parts of the world. The most notable recent cases include the United Nations missions in Côte d'Ivoire, Timor-Leste and Nepal.

However, we are deeply concerned about the worsening situations in many areas where civilians — first and foremost women and children — continue to fall victim to killings, maiming, abuse, humiliation and other inhumane treatment. We recall with concern the alert raised two weeks ago by Under-Secretary-General Jean-Marie Guéhenno (see S/PV.5892) with regard to attacks on villages occupied by civilians in North and South Darfur, as well as the alert raised in great detail today by Under-Secretary-General John Holmes with regard to pervasive hostilities in many countries in Africa, Asia, the Middle East and Latin America. These, plus sexual and gender-based violence in the Democratic Republic of the Congo and elsewhere, represent a strong warning that the efforts of United Nations bodies and Member States are not enough.

While sharing the view that humanitarian access, among other things, is critical to protecting civilians in armed conflict, we hold that humanitarian access and assistance should be independent of political and military measures, in keeping with the principles of humanity, neutrality, impartiality and independence and in conformity with national and international law. We are mindful of the millions of people who are still excluded from access to life-saving assistance and of continued attacks targeting United Nations personnel, relief workers and other humanitarian staff in many conflict places. Beyond the detailed account of attacks on humanitarian workers that Under-Secretary-General Holmes has just given us, the recent ambush of four United Nations peacekeepers in West Darfur and the kidnapping of two Italian volunteers in Somalia are but two of the many examples of this situation. It is therefore urgent now to demand that parties to armed conflicts end hostilities against humanitarian staff and allow them to help people in need.

As we have highlighted during several Council meetings, the best way to protect civilians in armed conflict is to prevent and peacefully resolve armed conflict itself. In that regard, we wish to underline the need to ensure better and closer cooperation and coordination between the Security Council and the General Assembly and other agencies and organizations and between United Nations bodies and regional organizations, for we trust that regional organizations, with their good understanding of regional stakeholders, are well positioned to convince parties to armed conflict to minimize their operations in civilian areas, facilitate humanitarian access and respect humanitarian and human rights law. At the same time, we emphasize that parties to armed conflict should comply with the principles of international humanitarian law relating to distinction and proportionality and refrain from exerting measures against civilians, and that the Security Council should consider the issue of the protection of civilians on a case-by-case basis and in line with the approach endorsed in previous relevant resolutions.

While supporting international cooperation, I would like to reiterate Viet Nam's view that it is States that bear primary responsibility to protect their own civilians and to deal with violence against civilians as well as violations of international humanitarian law. In order to help States fulfil their responsibilities, the United Nations can help improve their national capacity, provide technical assistance and work with them to conduct other awareness-raising activities, for instance through training courses. Bearing that in mind, we hold that the creation and application of any international mechanism should be thoroughly studied with a view to ensuring its efficient, effective and sustainable performance without resulting in an unnecessary financial burden for States, and that such an act should respect national sovereignty, territorial integrity, ownership and self-determination and should be in accordance with the United Nations Charter and international law.

Mr. Arias (Panama) (*spoke in Spanish*): Permit me at the outset to thank you, Mr. President, for the timely convening of this open debate on a topic of great importance on which your country has taken the lead. We also appreciated the briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, about the alarming situation of civilians in armed conflict.

The Geneva Conventions and their Additional Protocols are the foundation of international humanitarian law. They are the highest expression of international law as regards the protection of civilians in armed conflict. Nevertheless, there are countless obstacles to protecting civilian populations caught in the midst of hostilities, which were extensively described in Mr. Holmes's presentation. Among them

we wish to emphasize restrictions on access for humanitarian assistance owing to security, bureaucratic or logistical factors.

We must also emphasize other challenges to the provision of humanitarian assistance that we consider to be of great importance. These include a lack of clear mandates for humanitarian actions; a lack of monitoring and investigating mechanisms to identify and register the perpetrators of flagrant and systematic violations of international humanitarian law. Among such violations, the use of sexual violence as a weapon of war and, most recently, acts of piracy deserve particular attention.

To confront these challenges, the Security Council must implement a strategic vision for the more effective allocation of existing resources and capacities. Also, the Council should take on a supervisory role and use all the tools at its disposal to identify those who commit such violations and bring them to trial before the relevant judicial bodies. At the same time, the United Nations should carry out preventive activities by collecting and disseminating information, implementing an early-warning system in coordination with regional and subregional organizations, and strengthening State institutions in order to protect human rights, the rule of law and the provisions of basic services.

In parallel, it is important to incorporate — or where it already exists, strengthen — the civilian protection element in current peacekeeping operations. In that context, we agree with the suggestion that a Security Council working group on the protection of civilians in armed conflict be established.

In the sphere of international justice, the International Criminal Court is, without question, the key instrument for avoiding the obstacles I have mentioned and deterring parties from ignoring the rules in this area. Unfortunately, initiating a case and gathering evidence can sometimes be an enormously complex and difficult task owing to the situation on the ground. Hence, we encourage all States Members of the United Nations to help the Court in its work by providing the resources and evidence needed to punish the perpetrators of crimes in conflict areas.

Nor can we forget that the protection of civilians is relevant not only during armed conflict. The international community must also support States in meeting the most pressing needs of their populations when those populations are affected by natural disasters.

Finally, my delegation has repeatedly stated that there is a close relationship among international humanitarian law, the protection of civilians and the concept of the responsibility to protect, as set out in the 2005 World Summit Outcome (General Assembly resolution 60/1). That principle makes the State and its institutions responsible for protecting its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, and it warns that, if the State does not wish to protect its population or is unable to do so, the international community is obliged to help with that task, or to assume it, through an effective and transparent response. In order to prevent this concept from becoming a mere footnote to history, we must be clear about its definition so that it can provide a concrete mandate for those entrusted with the protection of civilians.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to Under-Secretary-General Holmes for his briefing, which was pertinent to the topic under discussion.

The protection of civilians must be the highest priority for Governments involved in conflicts. We emphasize that all parties to armed conflict bear responsibility for ensuring the security of civilians. We vigorously condemn both deliberate attacks on civilians and their deaths resulting from indiscriminate or excessive use of force, which is a violation of international humanitarian law. There can be no justification for armed groups that make use of suicide terrorists and take hostages.

Once again we would like to draw attention to the alarming data cited in the most recent report of the United Nations Assistance Mission in Iraq (UNAMI) with regard to the situation of human rights in that country. Armed groups continue to carry out deliberate attacks and terrorist acts directed against the civilian population. Another source of considerable concern is the activity of private guard enterprises, which often grossly violate the rights of civilians. First and foremost, we are speaking here of the behaviour of such companies in Iraq that have caused injuries to and deaths of civilians, including women and children. It should be emphasized that under international law the responsibility for the actions of such groups in many cases is borne by the States that hire them.

The use of children in conflict is inadmissible, as is inhuman treatment of them. In that context I wish to flag the problem of the detention of minors in military prisons of the multinational forces in Iraq, which contravenes international standards. According to the data in the UNAMI report, those prisons now hold about 900 children who are accused of terrorism and who have had no access to the civilian court system. We support the appeal of the Special Representative of the Secretary-General on Children and Armed Conflict, Mrs. Coomaraswamy, regarding the need for a speedy solution to this problem. It is well know that minors are also being held at the military base in Bagram, near Kabul, and in Guantánamo.

Conflicts remain the major reason for the high level of refugees and internally displaced persons (IDPs) throughout the world. Once again Iraq, unfortunately, is in the lead in that respect, with more than 2.5 million refugees and approximately 2 million IDPs, most of whom have been deprived of basic and fundamental vital human needs. Their problems require an immediate solution. In addition to purely humanitarian factors, they are a difficult burden on the host countries.

The problem of displaced persons is a serious concern with regard to the situation in the Sudanese province of Darfur. Here, we rest our hopes for an improvement of the situation first on the proper functioning of the political negotiating process and the deployment of the African Union-United Nations Hybrid Operation in Darfur.

Serious threats to civilians continue to exist in a number of other conflicts, especially in the Middle East and in Africa.

With regard to the protection of civilians, the disarmament, demobilization and reintegration of former fighters is of great significance. Those programmes require proper support from the United Nations peacekeeping missions.

We favour the interpretation of the concept of the responsibility to protect in accordance with the final document of the 2005 summit (General Assembly resolution 60/1), as a responsibility of each State to protect those individuals under its jurisdiction — protection from genocide, war crimes, ethnic cleansing and crimes against humanity. Moreover, it is the United Nations and the Security Council that bear the task of supporting those national efforts.

The prevention of violence is an objective that is strategic in nature, reaffirming the need to combat impunity for serious violations of international humanitarian law. Here, assistance to those States involved in restoring or establishing independent national judicial systems and institutions should be stressed.

With regard to the idea of creating in the Security Council an expert working group on the protection of civilians, the advisability of such a step seems dubious. Before raising that question, in our view there should be an assessment of the effectiveness and experience of the operations of the first such body, the Working Group on Children and Armed Conflicts.

The United Nations must rapidly and effectively respond to incidents of violence against civilians and to the destruction of civilian facilities during armed conflict. That task requires systematic coordination of measures at the international, regional and national levels. It is important to achieve unswerving compliance by all sides with the norms of international humanitarian law and the relevant decisions of the Security Council. The implementation of documents already adopted by the Council on, inter alia, children and armed conflict and on women, peace and security must be insisted on. They have great potential, and the Council could focus on the assessment of the implementation of its decisions in that sphere and on identifying and eliminating the obstacles.

Mr. Kafando (Burkina Faso) (*spoke in French*): Burkina Faso is grateful to you, Mr. President, for having organized this debate on a question as significant as the protection of civilians in armed conflict. We thank the Secretary-General for his commitment to find solutions commensurate with this problem. The relevant recommendations in his report form an important contribution to the Council's action. We also wish to thank Mr. John Holmes for his statement and for his efforts in the Office for the Coordination of Humanitarian Affairs to meet those challenges.

Many have pointed out that to meet the ever-more-complex needs for the protection of civilians in armed conflict, the international community has established a legal and institutional framework, in particular the Charter of the United Nations and the Fourth Geneva Convention of 1949 and its two Additional Protocols of 1977. In addition, recently the

International Criminal Court, the Special Tribunals and Council resolution 1674 (2006) have reiterated the responsibility of States and of the international community in this area.

With regard to the persistence of violence experienced by civilians in conflict zones, in violation of resolution 1674 (2006), the appeal launched by the Secretary-General during the Council's most recent debate on the protection of civilians in armed conflict (*5781st meeting*) unfortunately has not generated a reaction. It should be recalled that the responsibility to protect civilians under their jurisdiction devolves first and foremost on States, due to their territorial and personal competences. When necessary, the United Nations and particularly the Security Council must see to it that they can bring the necessary assistance to distressed civilian populations, with the assistance and cooperation of Governments.

Millions of civilians, including women, children, the elderly and the disabled, are still being wounded, mutilated and killed because they have been deliberately targeted, sometimes with disproportionate use of military force. The result is an ever-growing number of refugees and displaced persons crammed into camps where they are subjected to inhuman and unacceptable living conditions and conditions for survival. In addition to the many damaging effects associated with overcrowding, those people are sometimes the focus of unacceptable blackmail by the protagonists.

The situation of civilian victims of conflicts is often exacerbated by deliberate restrictions on humanitarian access through attacks on convoys, acts of aggression and the killing of humanitarian personnel, as we have unfortunately seen quite recently in Somalia. That is a major concern for which we must find the appropriate answers, such as humanitarian corridors. In particular, there is a need to provide the means to bring parties to fully respect their obligations within the framework of international humanitarian law and human rights. The same holds true for the protection of journalists, who are often the initial witnesses to civilian tragedies and the only link between those people and the outside world.

It nearly goes without saying that Burkina Faso condemns the use of generalized and systematized sexual violence as a weapon of war and therefore advocates a zero-tolerance policy towards those proven to have committed such acts. We therefore encourage the investigation, trial and appropriate punishment of such individuals.

We are also concerned by the use of cluster bombs and other weapons having excessive and injurious effects on civilians, in particular children. In addition, such weapons hamper access of humanitarian workers to people and therefore have disastrous consequences during and for a long time following conflict, thus making the return of civilians difficult, leading to a deterioration of the environment and destroying much agricultural land. They therefore form an obstacle to the socio-economic reconstruction and development of States. While waiting for the conclusion of the Oslo process, we urge parties to respect the recommendations made in paragraph 65 of the Secretary-General's report (S/2007/643).

The struggle against impunity is an integral part of the protection of civilian populations, including humanitarian workers. My delegation reaffirms its support for all initiatives designed to bring to justice the perpetrators of violations in this sphere.

The best guarantee of respect for the rights of civilians is the creation of conditions ensuring stability and lasting peace in States, in particular through strengthening the rule of law, democracy and good governance. Another element in this strategy is the struggle against trafficking in small arms and drugs, which is also contributing to destabilizing countries and even entire regions.

Together with all of these actions, the Security Council and the Secretary-General must for their part continue to promote preventive diplomacy in coordination with subregional and regional organizations. For ultimately the efforts to protect civilians in armed conflicts must be developed and harmonized in an integrated, inclusive and participatory manner.

Mr. Ripert (France) (*spoke in French*): Allow me to thank the presidency of the Council for this timely meeting and also to thank John Holmes for his introduction to our debate.

This debate is taking place in a very particular context. The Secretary-General and Mr. Holmes have just returned from Burma. Clearly, the situation of the civilian population victims of cyclone Nargis cannot be confused with the situation of the civilian population

victims of an armed conflict. But can we talk about the protection of civilians without talking about the tragedy that we have been watching for weeks now for hundreds of thousands of persons in Burma? Can we talk about access to humanitarian assistance without addressing the obstacles that have unacceptably been encountered in access to Burmese civilians? In the face of such a heavy reality, can the Council retreat into an academic distinction between two types of population: the victims of armed conflict and the victims of a natural disaster? We do not believe that, all the less because the victims of cyclone Nargis are not just the victims of a natural phenomenon.

As our Minister for Foreign Affairs said on 19 May, "The Burmese people are the victims of a two-fold scourge — a natural disaster on an exceptional scale on the one hand and the stubborn obstruction of proposals for emergency assistance on the other. In French national law, that is called 'non-assistance to persons in danger'".

We do not know today whether the assurance given by the Burmese authorities to the Secretary-General, and then at the donors conference that was held in Rangoon on Sunday, will be translated into action. We do not know whether all the international assistance that has been proposed will actually be accepted. We do not know whether the humanitarian agencies will truly have access to the distressed population.

What we do know, however — and I am referring to what Mr. Holmes said on behalf of the United Nations and the Association of Southeast Asian Nations (ASEAN) on Sunday -that only 41 per cent of the population affected by the cyclone has received any assistance, that is, 1 million out of 2.4 million people. What we know is that out of this 1 million people who have begun to receive some assistance, a vast majority are in the Rangoon area; only a minority of victims living in the delta has received help. What we know is that the population in the delta was deprived of the 1,500 tons of food supplies and other relief — the equivalent of 30 cargo planes — that the French ship *Mistral* could have provided starting 15 May.

Finally, what we know — and I am referring again to Mr. Holmes's remarks in Rangoon — is that there is a possibility of a second wave of deaths that will be the result of epidemics and malnutrition.

Do we have to accept this? Should we do nothing and condemn the population of Burma? If the commitment to openness and cooperation undertaken by the Burmese authorities several days ago are not followed by actions, should our Council continue to hide behind a restrictive interpretation of its competencies? Some were surprised to hear Bernard Kouchner talk about the responsibility to protect. But, as we have had the opportunity to emphasize, there is always a risk of slipping from not helping people in danger to crimes against humanity. Must we really wait until we have crossed that threshold before the Council agrees to consider a situation? I will say this clearly: that is not the concept of the United Nations or of the Security Council that France champions.

That is all the more the case, in view of the fact that the concept of non-assistance to persons in danger is not foreign to the international community, least of all to the United Nations. On 8 December 1988, 20 years ago, the General Assembly adopted its resolution 43/131, which sets out, if not legal, then at least political obligations. By virtue of the principle of subsidiarity, it is the territorially competent State that bears the primary role in organizing, carrying out and distributing assistance. If, and only if, that State is not in a position to cope with the situation, because of a lack of means or political will, the international community takes over and replaces the State that is failing to assist the endangered population.

Resolution 45/100, adopted by the General Assembly on 14 December 1990, confirmed the principle of free access to victims of natural catastrophes and other similar emergency situations.

For all those reasons, if the situation does not rapidly change in Burma to the benefit of the population affected by the cyclone, France will not sit idly by in the Council. The Security Council can decide to intervene to force the delivery of humanitarian assistance, as it did in the recent past by opening humanitarian corridors in Kurdistan, Bosnia and Somalia. Was the outrage at those massacres greater than that provoked by those drowned or starving in Burmese countryside?

I have spoken at length about what seems indispensable to us. I shall be more concise on the remainder of the themes related to our debate.

In the view of France, it is indispensable to promote the protection of civilians throughout United

Nations activities, in particular in the context of peacekeeping missions. As the Secretary-General recommended, we think it is useful that States members of the Council take the initiative to meet at the expert level to consider ways and means of more systematically tackling the protection of civilians when peacekeeping operations are set up or when their mandates are renewed. France, together with others, is ready to initiate such meetings. The troop-contributing countries should naturally be associated with these endeavours in some way or another.

In addition, we commend the Office for the Coordination of Humanitarian Affairs for the information it has provided on obstacles to humanitarian assistance to populations in need.

We also hope that all Council resolutions on the protection of civilians are given systematic follow-up. We are thinking, of course, of resolution 1674 (2006). In that regard, we look forward to the adoption of a presidential statement at the end of today's debate, calling upon the Secretary-General to inform us, in the context of his next report, on the implementation of protection mandates by United Nations missions. Another aspect of resolution 1674 (2006) is of great importance for us: combating impunity. The International Criminal Court has a key part to play. The obligation to cooperate arising from the Rome Statute and from Security Council resolutions must be respected.

We are also thinking of resolution 1325 (2000) on women and peace and security. As already stated here, sexual violence is systematically being used as a weapon of war. These are abominable crimes affecting millions of people. Such crimes must be prevented and punished. I welcome in this regard the arrest this weekend of Mr. Bemba, who had been sought by the International Criminal Court for many crimes, especially for sexual violence. I would also like to repeat our preoccupation with reports of abuses involving peacekeeping personnel. The soldiers of peace must have exemplary conduct; the United Nations must see to that.

We are also thinking about resolution 1502 (2003) on the protection of humanitarian personnel and about 1738 (2006) on the protection of journalists.

I also reiterate my commitment as Chairman of the Working Group on Children and Armed Conflict in favour of very effective implementation of resolution 1612 (2005).

I wish to conclude my statement by sharing with members the decision just taken by France in order to contribute to the momentum that has begun even before we see the final text of the treaty now being negotiated, to immediately withdraw the M26 rocket from operational service. This is an important gesture that attests to the responsible attitude of our armed forces. That weapon actually accounts for 90 per cent of our cluster munitions stockpiles.

In doing this, France, which has not used cluster munitions in 17 years, shows that it is possible to reconcile humanitarian demands with the requirements of defence. Following the Oslo Conference on Cluster Munitions in February 2007, France was among the first States to be mobilized by a clear objective: to prevent the humanitarian tragedy caused by cluster munitions.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, I would like to extend my thanks to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for the valuable and comprehensive briefing. We highly value his efforts and endeavours in this field.

The issue under discussion in this meeting, based on the framework of a previous understanding reached in the Council, is one that unites us all. Protection of civilians in armed conflicts is one of the highest legal, moral and religious commitments and is an absolute priority in our work.

At the end of the last century, the Council started to give priority to the commitment. After the civilian tragedies in Rwanda and Bosnia, the first open meeting of the Council was crowned by a presidential statement (*S/PRST/1999/6*) that revealed the growing gap between the provisions of international law and their implementation and emphasized a coordinated and comprehensive method for protecting civilians.

The report of the Secretary-General (*S/1999/957*), issued at the end of the last century, set out specific measures that could be undertaken by the Council within its mandate. It was followed by other reports, the most recent of which was last year's, which determined measures to be taken rapidly and systematically.

The discussions in the Council advanced, and a number of working groups have been established. Many resolutions have been issued, such as 1674 (2006) and 1738 (2006), as well as a number of presidential statements. Most of those resolutions and presidential statements underscored the Council's commitment to protect civilians and to condemn any violations of international humanitarian law, human rights law, refugee law and to combat impunity and safeguard access of humanitarian assistance and the safety of humanitarian workers.

In the 2005 World Summit Outcome document (*General Assembly resolution 60/1*), all States accepted the principle of the responsibility to protect. The most recent report of the Secretary-General noted the advances in the implementation of this principle. The role of the Council has grown in a number of ways, such as combating sexual enslavement, protecting women and children and controlling the spread of small arms and light weapons. Many measures were taken to promote and build national and international judicial capacities to combat impunity from punishment, and some of the activities relating to the protection of civilians were given to peacekeeping operations, whose humanitarian role we highly value. We support the Secretary-General's recommendation of the importance of promoting it.

In addition to what we have said, I regret to say that action is needed in a number of areas in Africa, particularly in Somalia, and in Asia, especially in Palestine. I remind members of what was in the UNICEF documents and in those of the Secretary-General in his briefing concerning the tragic situation existing up to today in the Gaza Strip. Actions include the deliberate and arbitrary military attacks against vulnerable civilian populations, the continuous humanitarian impact of mines and cluster bombs, which have been spread in civilian areas, administrative detention, internal and external displacement, collective punishment, measures to eradicate cultural identity, bulldozing of land and the demolition of property, including refugee camps.

In summary, those are all actions that are criminalized by the provisions of the law, including the provisions of the Fourth Geneva Convention, on the protection of civilians in times of war, which includes occupation and which is ratified by all States. Despite all this, the Council stands idly by and does nothing. That situation reminds us of an old position leading to human tragedies that we all know.

The Security Council, in taking humanitarian action to protect civilians, cannot be selective, far from balanced and transparent. Action must be in accordance with a method supported by an accountability system and specific sanctions. Everyone should submit and comply with the provisions of law and allow none to enjoy impunity.

Finally, I would like to thank you, Mr. President. We are all full of hope that our deliberations will end with tangible and general progress in an issue that is linked to the dignity of humanity.

Mr. Belle (Belgium) (*spoke in French*): I should like first of all to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his statement and his highly relevant comments on the topic of discussion today.

Belgium associates itself with the statement which our Slovenian colleague will be making soon on behalf of the European Union. I would like to limit myself here to a few considerations that are important for my delegation.

Belgium is deeply devoted to having the Security Council periodically revisit the question of the protection of civilians in armed conflicts. Such a review unfortunately has a negative connotation. It reminds us of the lack of progress in the area of the protection of civilians. But such a review also provides the opportunity to take note of positive developments. It allows us to show that when the United Nations acts in a sustained fashion, it can indeed make a difference in the field.

For those who would still doubt the usefulness of this exercise, we would like to recall here both our Charter, which says

> "We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind",

and also the Preamble of the Universal Declaration of Human Rights, which says

> "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people".

We desire those essential objectives of our Organization, to be pursued with the unflagging support of the Security Council for all measures and actions conducive to their achievement. In that context, Belgium advocates more systematic and regular follow-up by the Council, as Mr. Holmes also mentioned in his statement.

During the presentation of the report of the Secretary-General on this question on 20 November 2007 (*5781st meeting*), we already voiced our concern regarding several priority subjects for Belgium: access to victims, sexual violence as an instrument of war and the effect of certain conventional weapons such as cluster bombs, which cause unacceptable damage and suffering to civilian populations. We have already emphasized the important contribution of the Security Council in dealing with those problems with a view to reducing and even eliminating their negative effects.

In this context, we welcome in particular the initiative of the United States to organize, during its Council presidency next month, a ministerial debate focused, inter alia, on the problem of sexual violence in armed conflicts. We are convinced that that exercise will help us in further developing a collective response to this scourge, for which impunity is intolerable.

Under-Secretary-General Holmes has just emphasized the impact of hostilities on civilian populations by citing various examples. Those examples illustrate the diverse nature of conflicts. It is in taking this diversity into account that the Security Council must demand of all parties, without exception, respect for the protection of civilians. Moreover, it must act in concert with all actors in the international community: the United Nations, the International Committee of the Red Cross, civil society, etc.

Finally, access to humanitarian aid is closely linked to the protection of civilians. That relationship is not limited just to the framework of armed conflicts; it can also go beyond. The objective remains, above all else, the protection of civilians. They deserve that everything be done to ensure this, as we have done in Myanmar. If the Security Council can add value here, it should do so to the best of its ability.

Mr. Jurica (Croatia): At the outset, I wish to thank the United Kingdom presidency for the opportunity to discuss here in the Security Council this most important issue of the protection of civilians during armed conflict. I would also like to thank Under-Secretary-General Holmes for his informative and important briefing.

Croatia aligns itself with the statement by the European Union that will be delivered later by the representative of Slovenia.

In our opinion, the question of the protection of civilians in armed conflict deserves more consistent attention in this Council. The statistics over the past 20 to 30 years clearly show that civilian casualties in conflict areas have consistently outnumbered and still outnumber military casualties.

In the twenty-first century, we are still witness to gross violations of international humanitarian law, in which civilians are increasingly and deliberately becoming the prime targets of armed groups. Too many parties to an armed conflict see civilians as a method, rather than a by-product, of war. For example, they do not hesitate to use rape and other forms of sexual violence to destroy the most fragile parts of the society against which they are fighting.

We have read or heard many reports of children under five being raped, and we have to take decisive collective action against such atrocities. We have heard many reports of children being killed, maimed and illegally recruited as soldiers. That goes directly against our commitments of the 2005 World Summit Outcome document (General Assembly resolution 60/1) as well as against Security Council resolution 1674 (2006), which reaffirms the provisions of paragraph 138 and 139 from that document.

The international community should encourage and help States to exercise their responsibility to protect their populations against genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has already expressed its readiness to take collective action through the Security Council when national authorities manifestly fail to protect their populations from the above-mentioned violations of humanitarian law. We should not be seen wanting in the implementation of our commitments.

The protection of civilians comprises the protection of their lives and well-being. Even in the case of natural disasters, civilians deserve protection. My Government strongly supports the efforts of the wider international community in assisting and attempting to protect the victims of Cyclone Nargis in Myanmar/Burma.

On the other hand, if humanitarian access is denied in conflict areas, it is civilians who suffer the most. In such cases the vast majority of victims are women and children, the elderly and the disabled. We are therefore naturally concerned when we hear of cases of Governments and armed groups denying access to humanitarian assistance or using such assistance for political manipulation, including attacks on humanitarian personnel and looting of humanitarian supplies.

We believe that condemnation is not the only collective action that the Security Council has committed to taking. We would encourage all its members to do everything in their power to ensure that parties to armed conflicts worldwide cooperate adequately with the United Nations and other humanitarian organizations.

Another matter of concern is the growing number of internally displaced persons and refugees from armed conflicts. Croatia is very concerned by the security situation in and around refugee camps, especially at those in some areas of Africa — for example, the Democratic Republic of Congo and the Sudan, where children are still being recruited as soldiers and fall victim to rape and other grave violations.

Those situations require peacekeeping missions with a strong, clear and goal-oriented mandates, including the authorization of the use of force, if necessary, to protect civilians. That is just one of the many lessons that the international community has learned from past armed conflicts.

Let us also not forget the importance of the implementation by the Security Council of smart sanctions and other targeted measures against dissenting Governments and armed groups. When taking into account the immediate impact that hostilities can have on civilian populations, it is increasingly important that the Council use its mandate to truly address the underlying causes of conflict so as to help enact real change on the ground for those who truly require it.

If used in conjunction with a holistic approach, as described in our previous debate this month on post-conflict peacebuilding (*5895th meeting*), the Security Council can be the tool that helps foster or, if need be, coerce lasting change for the betterment of civilian populations.

I would like to add two short comments before ending. First, Croatia understands the impact of cluster munitions on civilians, and our remain concerned about their use in armed conflict. We therefore add our support to efforts being undertaken in the international community to negotiate in 2008 a legally binding instrument that would prohibit the use, production and transfer of cluster munitions.

Moreover, Croatia strongly believes that when Governments fail to investigate, prosecute and punish violations of humanitarian law against civilians by members of their own armed forces or committed on their territory, recourse to the International Criminal Court should be considered.

The question of the protection of civilians in armed conflict is a serious matter that requires our serious attention and is, without question, of concern for international peace and security. My country is part of a region that has suffered from armed conflict, and thus we ourselves have witnessed what international will can do for the protection of civilians.

Mr. Natalegawa (Indonesia): I would like to preface our statement by expressing appreciation to the Under-Secretary-General, Mr. John Holmes, for his statement earlier and of course to you, Mr. President, for convening our deliberations this morning.

Every day, news of civilians falling victim to armed conflict feeds the discussion in the Council. In many instances, the intensity of violence is shocking. However, the most tragic situation is when we are immune to the suffering of civilians, when we fail to cope with it or when we consciously decide to ignore it. The Council has an imperative duty to stand for those who are defenceless and in need of protection in times of conflict. Today's meeting will serve to further address the issues surrounding the protection of civilians in a comprehensive and resolute manner.

It is our shared responsibility to alleviate the suffering of victims wherever and whenever it occurs. The specific needs and protection of women and children need to be particularly highlighted.

The safety and security of civilians must be prioritized when security matters are addressed through military measures or military operations. Parties engaged in situations of armed conflict must respect the letter and the spirit of international humanitarian

law. Those universal instruments are one of the foundations of the international system.

However, that alone is insufficient. A comprehensive perspective on this issue entails the relevance of issues of gender and cultural diversity as well, along with an approach that is sensitive to the needs of local populations. All peacekeeping and military operations must be exceptionally mindful of local beliefs, traditions and values. Lack of respect can trigger violence and serious repercussions, which can undo peace processes or operations.

Ending the cycle of violence on the ground is key to the full achievement of any peace process. That can be attained only when all parties concerned on the ground exercise restraint and refrain from any actions that could undermine those efforts. Thus, we are particularly concerned over the continued civilian casualties among Palestinians, including children and women, caused by the indiscriminate and excessive use of force in Israeli military operations in the Gaza Strip. That must immediately come to an end.

We cannot fail to stress the importance of a total ban on cluster munitions and landmines. Those indiscriminate weapons not only have a gruesome impact on the victims; beyond their immediate impact, they damage the environment and the economy of a region. We witness this in many parts of the Middle East and other regions, where the widespread use of cluster munitions has turned arable land into a wasteland. Civilians, including farmers and schoolchildren in over 60 countries, remain under the threat of those inhumane weapons. The affected countries bear a costly burden, and their citizens have to deal with potential death or injury every time they take a step. Indonesia therefore underlines the paramount importance of a total ban of those heinous types of munitions.

With regard to anti-personnel landmines, we welcome the mine action activities of the United Nations, in collaboration with Governments and other international organizations. We underline the importance of mine clearance, victim assistance, mine-risk education and the destruction of stockpiled landmines as part of mine action. We urge countries that hold information about the sites of the mines and other munitions they deployed during a war to share that information, especially with the United Nations, as a basis for further action.

With the growing complexity and intricacy of world matters, the United Nations is surely not in position to tackle all of the issues related to the protection of civilians. Regional organizations have an important role to play in the protection of civilians. It is important to remember that the best preventive medicine for war is fruitful negotiation and dialogue, which is often achieved by inviting the participation of regionally relevant players.

In addition, we are witnessing the increasing role of non-State actors in addressing the plight of civilians in armed conflict situations. We have on many occasions noted with appreciation the role of non-governmental organizations and other civil society organizations.

In that regard, we believe that private aid is also a critical component of a solution to armed conflict and of the attenuation of the suffering of civilians. This can originate from private organizations or philanthropic organizations which have gathered the funds available to those in need. In many cases, they also have the necessary expertise in various fields. That, I believe, would further strengthen our global efforts.

Humanitarian assistance is essential to addressing the plight of civilians in armed conflict. It is therefore very deplorable that irresponsible acts taken against relief workers, humanitarian aid convoys and others engaged in humanitarian assistance to shield the population from the effects of war continue to happen. The deliberate targeting of those individuals is a crime, and we should invoke the relevant international laws, including the 1994 Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol, for that purpose.

Finally, let me reiterate that our efforts should be focused on maintaining momentum by strengthening the efforts of the United Nations system, Member States and other stakeholders working as a whole in a coordinated, coherent, comprehensive and cooperative manner. An approach that includes development and humanitarian dimensions is required and should be supported by the political will of States to ensure that civilians are protected in times of war and in times of peace.

The President: I shall now make a statement in my capacity as representative of the United Kingdom.

I am grateful to the Under-Secretary-General for Humanitarian Affairs for his briefing today. In the view of the United Kingdom, the protection of civilians is central to the Security Council's work. It matters morally and it matters legally. It matters because effective protection of civilians increases the possibility of achieving a sustainable peace in any given conflict. Protecting civilians helps reduce further violence caused by the deep frustration and tensions that result from displacement, human rights abuses and revenge attacks. Like others, we believe that a more consistent and systematic consideration of the protection of civilians by the Council would lead to progress in our ability to act to protect those whose lives have been torn apart by conflict. We hope to continue our dialogue with other Council members to find the best way to do that. We look forward to the next report of the Secretary-General, which will inform our efforts.

The Council will also have a chance to review the effectiveness of United Nations action to protect civilians next week when we are in Africa and will talk to United Nations teams and political leaders in Somalia, Sudan and the Democratic Republic of the Congo, three countries where the challenge of protecting civilians is especially acute.

As well as protecting civilians in situations of armed conflict, the international community has committed itself to assist States that are under stress before crises and conflicts break out. In that regard, we reaffirm our support for the concept of the responsibility to protect, as agreed by Member States at the World Summit in 2005. It is an important commitment, which should result in earlier and more decisive action to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.

The scourge of sexual and gender-based violence was rightly highlighted in Mr. Holmes's briefing. It is another element that undermines efforts to secure a lasting peace. The targeted use of sexual violence, sometimes as a deliberate weapon of war, is an unacceptable practice that is not only terrible in itself, but also has a destabilizing effect on post-conflict peacebuilding. As the Under-Secretary-General has said, we must end the climate of impunity that fuels those grave abuses. We listened with interest to his ideas on accountability and look forward to discussing these issues further next month under the United States presidency of the Security Council.

As the Secretary-General has said, humanitarian access is the fundamental prerequisite for humanitarian action and protection. We have heard today that there are many reasons why humanitarian access is not always possible. We welcome the work of the Office for the Coordination of Humanitarian Affairs on this issue. Some obstacles are caused by geography. But when the obstacles are man-made and malign, for example in the imposition of bureaucratic impediments, it is incumbent upon all of us to ensure that those obstacles are challenged and removed.

It is only by putting in place mechanisms to reduce the suffering of civilians in armed conflict and ensuring their protection that we can succeed in our attempts to bring an end to conflict and establish sustainable peace.

I agree with those other Council members who shared Mr. Holmes's concern that humanitarian access is also a critical issue in situations of natural disaster, as we see currently in Burma. We welcome the Secretary-General's leadership on that issue. As Under-Secretary-General Holmes said, the implementation of the agreements reached in Rangoon this weekend is now the key. The eyes of the world remain very much on the terrible situation there.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Australia.

Mr. Windsor (Australia): Where we cannot prevent armed conflict, the protection of civilians is and must remain an absolute priority. Australia therefore welcomes the attention the Security Council has rightly focused on this issue. I wish to express my thanks to the United Kingdom for convening this important debate and to the Emergency Relief Coordinator for his update briefing earlier this morning.

It is clearly apparent that the plight of civilians in modern conflict remains dire. They continue to account for the vast majority of casualties. The situation must be addressed as part of any comprehensive international response to conflict.

United Nations peacekeeping is one tool we can use to address that situation, but it is important that we use it wisely and effectively. Protection of civilians tasks are now mandated in eight of the 20 peace operations led by the Department of Peacekeeping

Operations (DPKO), but there is a need to develop clear guidance to implement them. We must bridge the gap between our words and our deeds, and we call upon the Council to implement paragraph 16 of resolution 1674 (2006) fully to ensure the provision of clear guidelines regarding what missions can and should do to achieve protection goals. Australia also calls upon the broader membership to ensure that United Nations peace operations are properly resourced to carry out their mandates.

We look forward to the outcome of the joint study being undertaken by the Office for the Coordination of Humanitarian Affairs and DPKO on the implementation of protection tasks, and we would also welcome an update of the aide memoire to reflect the increasing focus on physical protection.

Some armed conflicts witness the perpetration of heinous mass atrocity crimes. In 2005, world leaders recognized the responsibility we all share to protect vulnerable communities from genocide, war crimes, ethnic cleansing and crimes against humanity. While it is the primary role of States to protect their own populations from those evils, the international community has a responsibility to assist States to exercise that responsibility and, in appropriate circumstances, to take collective action, consistent with the Charter, to prevent such mass atrocity crimes.

More must be done to develop a practical approach for implementation of the responsibility to protect principle. We welcome the Secretary-General's appointment of Mr. Edward Luck as his Special Adviser to focus on the conceptual development of the principle. Australia looks forward to working with Member States to continue our consideration of the principle and to give effect to it in appropriate circumstances.

Just as the international community has a responsibility to protect communities from such mass atrocity crimes, so too do we have a responsibility to bring those who abuse fundamental principles of international law to justice. We must renew our commitment to end impunity for those who commit mass atrocity crimes and to increase accountability for crimes against civilians.

In conclusion, Australia remains committed to working with partners in the international community to translate our words into action in an effort to protect civilians in armed conflict. Australia will work to ensure that United Nations missions on the ground are provided with clear guidance and adequate resources to fulfil their mandates. We will work to prevent the commission of mass atrocity crimes, and we will work to ensure that perpetrators of abuse are held accountable for their actions.

The President: I call on the representative of Canada.

Mr. McNee (Canada): I would like to thank you, Sir, for convening this important debate today. We would also like to express our appreciation to Under-Secretary-General Holmes for his comprehensive briefing to the Council.

Before addressing the core issues of today's debate, I would like briefly to touch on several key humanitarian situations that have commanded the world's attention in recent weeks. The impact of cyclone Nargis in Burma and the earthquake in China have reminded us of nature's sometimes devastating power. Canada offers its sincere and heartfelt condolences to the friends and families of the deceased and missing.

In Burma, it has now been more than three weeks since the cyclone struck, yet humanitarian access remains, at best, inconsistent. The 25 May conference offered some hopeful signs of stronger cooperation between the Burmese authorities and the international community. However, in many cases, United Nations and other humanitarian actors still await visas. For those who have received visas, access to affected populations is not yet guaranteed. We call on the Burmese authorities to provide full and unhindered access to areas affected by the cyclone to help deliver aid to those most in need. That is urgent; the window of opportunity to save lives is closing rapidly.

It is also clear that the consequences of armed conflict are deadly for civilians in many countries around the world. The deliberate targeting of and attacks on civilian populations, forced displacement, sexual violence and the denial of land and property rights are far too prevalent for millions of people globally.

In the Sudan, the Democratic Republic of the Congo, Sri Lanka, Burundi and Somalia, civilians are quite simply part of the calculus of conflict. In Afghanistan, indiscriminate acts of violence, such as suicide bombings, serve as a potent reminder of why

support for the Afghan Government is so important. Without a continued commitment to long-term peace and security, civilian protection cannot be guaranteed.

All of that illustrates the point that, despite the significant gains that have been made over the past decade, there is a great deal of work left to do. In that respect, the Secretary-General's report last year on the protection of civilians offers us an important road map when considering the question of next steps.

Increasingly, the question of humanitarian access remains the critical challenge for the Council and Member States. Member States have a collective interest in ensuring safe and unhindered humanitarian access to civilians in need. That is not simply a hope; it is a fundamental principle of international humanitarian action and should not be open to interpretation. Yet full, safe and unhindered access — so critical to providing life-saving relief and support to vulnerable populations — remains an elusive goal.

Canada strongly supports the commitment made by the Emergency Relief Coordinator to develop a monitoring and reporting mechanism to understand and address access constraints. However, the Council must be prepared to act — drawing on the full range of tools at its disposal — when access is systematically delayed or denied. Those who refuse access cannot be allowed to act with impunity. Enhanced accountability, underscored by a clear demonstration by the Council that systematic denial of access will not be tolerated, is more important than ever.

Among the many protection challenges facing us, sexual violence against women, girls, boys and men remains particularly stark. We need look no further than the eastern Democratic Republic of the Congo to understand the prevailing culture of impunity. Thousands of incidents of sexual violence are perpetrated with virtually no prosecutions. Clear resolve on the part of the Council to prevent sexual violence is essential. Canada believes that the Council should underscore that there will be no impunity for perpetrators.

Strengthening the Council's protection framework for children can help address protection challenges linked to sexual violence.

(*spoke in French*)

More broadly, Canada calls on States to cooperate in the four countries in conflict or in post-conflict situations in which the International Criminal Court is active: the Sudan, the Central African Republic, the Democratic Republic of the Congo and Uganda. Perpetrators of serious international crimes must be held responsible for their acts.

Finally, let me reaffirm Canada's support for the Secretary-General's 2007 proposal to establish a Security Council working group on the protection of civilians. We urge members of the Council to welcome that recommendation. Moreover, it is important that any such group be results-driven. That means that it must be allowed to offer clear recommendations and courses of action for Council consideration in instances where protection concerns remain acute.

We are fast approaching the 10-year anniversary of resolution 1265 (1999), a landmark in the protection of civilians. The endorsement of subsequent resolutions on a range of protection issues, including resolution 1674 (2006), as well as the inclusion of strong protection references in country-specific resolutions, is an important demonstration of the Council's commitment to that issue. The Council now has at its disposal a sophisticated and flexible framework for action, including in instances of genocide, war crimes, ethnic cleansing and crimes against humanity.

In conclusion, we must refocus our efforts. Canada remains committed to protecting civilians from deliberate targeting and abuse. In that regard, our collective resolve is more important than ever.

The President: I now call on the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): Mr. President, we wish to thank you for convening this thematic debate on the protection of civilians in armed conflict. I also wish to thank Mr. Holmes for his very important and comprehensive briefing. The last report of the Secretary-General on the protection of civilians in cases of armed conflict (S/2007/643) analyzed some of the challenges that the Council should face. We agree, in principle, that it is indeed important that the international community should implement the principle of protection in accordance with the final document of the 2005 World Summit, which should take place through joint multilateral action in accordance with the United Nations Charter. We also support the continuation of efforts in the General Assembly to define the nature and scope of protection

and human security within the limits of strict and unequivocal respect for the sovereignty of States, and to treat each case on its own merit.

The subject of today's debate is an issue that should be considered in depth and defined by the international community. The region to which I belong has suffered its wars, especially in the occupied Arab territories in the Middle East, and in Somalia, Iraq, Afghanistan and south Lebanon, whose population are suffering from the landmines and cluster bombs that were planted and dropped by the occupation. Similarly, the civilians in the areas of rebel activities in Sudan are suffering the consequences of the activities of armed groups.

It is, indeed, easy to call for establishing mechanisms for protection within the multidimensional United Nations missions. Yet, the real challenge remains in how to implement the principle of protection in cases where the suffering of millions of civilians and their right to protection and security is being ignored, for political reasons, as with the civilians in Palestine, Somalia, Iraq or Afghanistan, who under the yoke of occupation are in dire need of humanitarian assistance and protection from killing and murder. This is an issue that demands genuine, sincere and noble intentions, and we ask ourselves when there will be the necessary political will to enable the United Nations organs, especially the Council, to fulfil their role in the protection of civilians — so that humanitarian assistance will, obligatorily, reach the areas under occupation and those responsible for the violation will be held accountable — while pressure is being put on several States in the name of protection and human security. We believe that crimes against humanity should be dealt with without discrimination or selectivity. The deliberate targeting of civilians, extrajudicial killings and the indiscriminate bombardment by the occupying Power are crimes that violate the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War. No less a crime is the killing of journalists and the bombardment of information and media premises — all these are crimes that should be condemned and not be ignored — they are no less dangerous than crimes taking place in south Lebanon and in Sudan last year. No doubt some groups of civilians deserve special protection, such as children, women, and vulnerable groups of society in accordance with international law, international humanitarian law and the laws on refugees as well as the relevant international conventions, such as the Fourth Geneva Convention and its additional protocols, which international jurisprudence considers binding on all Member States.

The State of Qatar has assumed responsibility to make use of these instruments, to accede to them and to implement them through national legislation, and to conduct mass information campaigns and to train national officials and cadres. The State of Qatar supports the United Nations promoting these instruments and supports providing the Secretariat with objective information regarding the status of their implementation in accordance with the relevant United Nations resolutions. We must be far-sighted and comprehensive in the options to limit the dangers feared by civilians, which means we should take measures to prevent conflicts and settle conflicts through diplomatic and peaceful means whenever possible. We should promote friendly and sincere bilateral efforts on the part of regional organizations and support them through the United Nations. The best example of this is what happened a few days ago in Doha, the capital of my country, where there was agreement among the Lebanese factions to put an end to the crisis afflicting their country. That event was supported by the Council as soon as it was announced, since promoting genuine dialogue through impartial mediators is the best way to put an end to violence and to stop subjecting individual civilians to danger.

The President: I now call on the representatives of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): First of all, Switzerland would like to stress the importance of the obligations contained in the Geneva Conventions and their Additional Protocols. It is clear that only increased respect for and better implementation of international humanitarian law by all the actors concerned will make it possible to alleviate the suffering and better protect civilians, who are the main victims of conflicts.

While the parties to a conflict are primarily responsible for complying with and for implementing international humanitarian law, it is equally important for other actors to be involved. Switzerland would, therefore, once again like to invite the Council to demand in its resolutions that all parties to a conflict, as well as peacekeeping forces, abide by their

obligations under international law. Moreover, we would like to reiterate that respect for and implementation of international law are indissociable from the fight against impunity. Although this task is primarily the responsibility of national jurisdictions, the International Criminal Court plays a vital role when national jurisdictions are unable to prosecute persons suspected of committing international crimes. It is, therefore, essential that the Council ensure, whenever necessary, that States cooperate fully with the Court.

I would like to endorse the words of Under-Secretary-General Mr. John Holmes and will concentrate on two aspects. First, the five initiatives presented in his report contain concrete and realistic recommendations. Here, the establishment of a group of experts on the protection of civilians is an important proposal that should be implemented as a priority. Switzerland intends to support it once it has been set up.

We support the Secretary-General's proposal for a systematization of reports to the Council on situations where there are serious difficulties of access. Switzerland also believes that humanitarian access should be the subject of systematic follow-up and analysis, using clear indicators that have been established in advance in order to ensure that the Council is duly informed of the main problems and challenges in this area. The experience of the Council's working group on children and armed conflict is an interesting example. The best practices drawn from this group could be integrated into the evaluation of the problem of access. We invite the Council to take into account the ongoing work that uses those indicators and to encourage debates on this basis.

At a different level, a meeting of experts on the subject of humanitarian access in situations of armed conflict will be held from 30 June to 1 July 2008 in Montreux in Switzerland at the invitation of my Government. The main purpose of this meeting will be to discuss and identify measures to improve humanitarian access in armed conflicts, taking into account the existing legal framework and the realities on the ground. It is my hope that the results of this meeting will be useful to the Council.

To return to my second point, persons displaced in their own countries in situations of increased vulnerability have specific needs, both in terms of protection and of assistance. For 10 years, the guiding principles on internally displaced persons have demonstrated their relevance and effectiveness.

We would like to draw the Council's attention to the interdependence between peacebuilding and the taking into account of the needs of displaced persons. On the one hand, the non-resolution of the issue of displacement can lead to instability that can jeopardize efforts aimed at restoring peace. On the other hand, solutions to the issue of displaced persons cannot be lasting unless their needs as regards security, access to basic services, property rights, justice, reconciliation, reparation and post-conflict reconstruction and political transition have been met.

In that context, the recommendations made by the Representative of the Secretary-General on human rights of internally displaced persons deserve to be taken into account by all parties concerned during the negotiation and peacebuilding process, including the Security Council. In particular, Switzerland urges the Council to take into consideration the framework for durable solutions that has been developed by the Representative of the Secretary-General, which provides an important tool for action in the search for lasting solutions for the millions of displaced persons.

The President: I now give the floor to the representative of Slovenia.

Ms. Štiglic (Slovenia): I have the honour to speak on behalf of the European Union (EU). The candidate countries of Turkey and Croatia, the countries of the Stabilisation and Association Process and potential candidates of Albania, Montenegro and Serbia, the European Free Trade Association country member of the European Economic Area, Iceland, as well as Ukraine, the Republic of Moldova, Armenia and Georgia, align themselves with this statement. In the interest of time, I shall deliver an abbreviated version of this statement. The complete official version is now being distributed in the Chamber.

At the outset, I would like to thank you, Mr. President, for the opportunity to discuss the issue of the protection of civilians at this important thematic debate of the Security Council. I would also like to thank Under-Secretary-General Holmes for his comprehensive and compelling briefing.

The European Union is appalled by the number of civilians who continue to be victims and targets in armed conflicts. It is a sad reality that the changed

nature of contemporary conflicts has placed the safety and security of unarmed men, women and children at even greater risk. We strongly believe that the situation of civilians in armed conflict would be more encouraging if the existing provisions of international humanitarian law and international human rights law were applied and observed.

It is our opinion that concerns for the well-being and protection of civilians need to be mainstreamed into the activities of the Organization, and in particular into the decision making process of the Security Council — while recognizing that conflict prevention is a multi-stakeholder endeavour that also embraces civil society and the business community.

The European Union commends the steps taken to strengthen the normative framework for the protection of civilians. In particular, we have welcomed the endorsement by heads of State and Government at the 2005 World Summit of the responsibility of each State to protect its population from genocide, ethnic cleansing, war crimes and crimes against humanity. That recognizes the primary responsibility of States for protecting their own populations, but also underscores the shared responsibility of the international community to help in that regard.

We also welcomed resolution 1674 (2006), which reaffirmed the responsibility of the international community to protect civilians from those appalling crimes when national authorities manifestly fail to protect them. That was truly a decision of historic magnitude, but it has not yet led to a sea change in the protection of civilians worldwide. The European Union emphasizes the need for further consideration by the Security Council of the responsibility to protect, as well as by the General Assembly, in order to find a practical approach to its implementation.

An important aspect of protecting civilians in armed conflict is safe, timely and unimpeded passage of humanitarian relief for civilians in need. We are deeply disturbed by the increase in attacks deliberately targeting humanitarian workers. We would like to emphasize that reaching those in need is a fundamental principle of humanitarian assistance, and that facilitating the passage of humanitarian relief for civilians is required under international humanitarian law. We call upon all parties to armed conflict to comply with the relevant provisions of international humanitarian law, and in particular to stop attacking humanitarian workers.

It is equally important to highlight that women, children, older persons and persons with disabilities, as well as other vulnerable groups, are especially affected by armed conflicts. Given the particular vulnerability of women and girls, sexual violence seems to continue unabated, including in its most worrisome form as a policy to intimidate a civilian population. The European Union is deeply concerned about the continued use of sexual violence as a method of warfare that each year destroys the lives of thousands of women and girls, as well as men and boys. It is unacceptable that United Nations officials should be inactive witnesses to such atrocities or, even worse, be part of such acts. We therefore reiterate our full support for the zero-tolerance policy regarding sexual abuse and exploitation by United Nations personnel. In addition, we have also adopted the same policy in our own European security and defence policy operations.

The primary responsibility for preventing and addressing sexual violence lies with Member States. Nevertheless, combating sexual violence and the impunity on which it thrives requires efforts by the whole international community, including the Security Council. The Security Council should send a clear message of deterrence by referring situations of grave incidents of rape and other forms of sexual violence to the International Criminal Court.

While addressing the vulnerability of civilians, we should also bear in mind the needs of refugees and displaced persons. The European Union calls for ensuring their protection, in particular by maintaining the security and civilian character of camps for refugees and internally displaced persons. Furthermore, the need to address the issue of housing, land and property becomes highly significant as people are forced to leave their homes and lands.

Another issue that needs to be addressed is that of cluster munitions. Our aim is to conclude a legally binding instrument prohibiting the use, production, transfer and stockpiling of cluster munitions, which cause unacceptable harm to civilians.

Controlling small arms and preventing violence are multifaceted problems. The protection of civilians cannot be addressed comprehensively unless small-arms control policies are integrated into that framework.

One of the last points that we would like to make pertains to the fact that we continue to be appalled at the high degree of impunity that has been allowed to exist, which sends the message that the international community is not prepared to take action, even when fundamental human rights are breached. There is no doubt that perpetrators of crime must be held accountable for their actions; but, regrettably, impunity prevails in many cases of conflict owing to the lack of action. That impunity often leads to a circle of violence.

The role of the International Criminal Court is clearly central in the fight against impunity in general. The Court is seized with a number of situations, and, more importantly, its activities and its very existence have also had a preventative effect. The European Union encourages members to provide their full support to the International Criminal Court by acceding to the Rome Statute. We also call on all Member States, especially States parties to the Rome Statute, to cooperate fully with the Court. Universality and our full support are crucial if we are to end impunity for the perpetrators of the most serious crimes against civilians. When we succeed in establishing the rule of law and proper judicial systems, we will have contributed greatly to durable peace and stability.

We have highlighted the primary responsibility of Member States and the increased importance of regional actors, peacebuilding and prevention strategies. What is now required is a more systematic assessment of the lessons we have learned. Equally important is the provision of reliable data to the Security Council through monitoring and reporting, so that the Council can develop targeted and effective strategies for civilian protection.

Nevertheless, fundamental to the protection of civilians is the resolution of the conflicts that cause their suffering. In order to reach this goal, we need to continue the hard work to establish concepts of conflict prevention and reach peace, to which the European Union remains firmly committed.

The President: I now give the floor to the representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): Mr. President, my delegation would like to thank you for having convened this open debate on the protection of the civilians in armed conflicts. This topic is of particular importance since it is one of the main elements of Argentina's foreign policy, consisting of the defence of human rights and international humanitarian law and the fight against impunity in all areas.

As it is known, the civilian population is most affected by armed conflicts, whether they be international or domestic. No national security considerations can prevail over the primary obligation of the States and parties to a conflict to protect the population from genocide, war crimes, ethnic cleaning and crimes against humanity.

We share the views of previous speakers in this regard who underlined, inter alia, the importance of ensuring that the mandates of United Nations peacekeeping and peacebuilding operations include provisions for the protection of civilians, the prevention of sexual violence, and guaranteeing security in and around camps for refugees and internally displaced persons and the full, unhindered access of humanitarian personnel to assist civilians affected by armed conflicts.

However, for the sake of conciseness, I would like to focus on a specific topic that we consider essential and a priority in order to be able not only to better protect civilians in armed conflicts but also to promote a more efficient collective security system. I am referring to the fight against impunity.

We consider that the best incentive to dissuade potential perpetrators of war crimes, genocide and crimes against humanity from committing such atrocities is the fear that there exists a real possibility that they will have to appear before justice to answer for their crimes. On the other hand, from the perspective of peacekeeping and international security, we consider that it is increasingly obvious that the best way to consolidate peace and national reconciliation after a conflict is to avoid impunity.

The Security Council has substantially contributed to the international regime for protection of civilians through its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006). At the same time, the Council has been given a clear mandate by the General Assembly to take collective action should peaceful means be inadequate and should national authorities manifestly fail to protect their civilian population. In that regard, during Argentina's term on the Security Council in 2005 and 2006, our country not only propelled the adoption of resolutions 1674 (2006)

and 1738 (2006), it was also among those that voted in favour of resolution 1593 (2005), by which for the first time the Council, acting under Chapter VII of the Charter of the United Nations, decided to refer the situation in Darfur to the Prosecutor of the International Criminal Court.

In cases where we cannot prevent abuse of civilians, at least we should ensure that their perpetrators and those who bear political responsibility for violence against civilians are held accountable for their actions. We therefore believe that cooperation of States with the International Criminal Court and other international mechanisms that are fighting genocide, war crimes and crimes against humanity is essential, and it is also indispensable for the Council to take steps it considers appropriate to encourage and facilitate such cooperation when it is not otherwise forthcoming.

The President: Now for the last speaker in our session this morning, I give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The increasing victimization of civilians in armed conflict is a sad and well-documented fact. While civilian populations have always suffered disproportionately from the consequences of armed conflict, modern warfare and the changed nature of armed conflicts have exacerbated their situation.

The Security Council's decisions and actions have a strong and immediate impact on the situation of civilians in armed conflicts. That special responsibility should be expressed through a more consistent and more permanent engagement. We therefore support the recommendation of the Secretary-General to establish an expert-level working group among Council members.

We have witnessed an erosion in respect for international law relevant to the protection of civilians. The law of armed conflict, or international humanitarian law, is one of the core achievements in the history of international law, and the Council has a particular responsibility to promote its observance.

A central element in this respect is a clear commitment to fight impunity. The establishment of a number of ad hoc and hybrid tribunals was an expression of such a commitment. The key role in the fight against impunity, however, falls on the International Criminal Court. While the Court is seized with a number of specific cases, including situations on the Council's agenda, its activities and mere existence also have a preventive effect in conflict situations beyond those under investigation.

The Rome Statute attributes certain functions to the Security Council, including the possibility of referring situations to the Court. In March 2005 the Council exercised this function in connection with the situation in Darfur. More than two years later, the Council must follow up with action to ensure cooperation in the arrest of the persons indicted by the Court. The Council's upcoming visit to Africa offers a unique opportunity for doing so.

Beyond the execution of arrest warrants, full cooperation is needed in other areas as well. In the interest of effective protection of civilians, all organs of the United Nations as well as individual States should extend such cooperation — not just States parties to the Rome Statute, even though of course only States parties have a legal obligation to cooperate. The jurisdiction of the Court extends to a number of crimes that are still being perpetrated on a large scale and sometimes systematically and as part of a policy of intimidating civilian populations. Sexual and gender-based violence and the recruitment of children as soldiers or for other purposes in connection with armed conflicts play a sadly prominent role in this respect.

Access to civilians in armed conflicts and in other emergency situations is vital for effective humanitarian assistance. Too often access is unsafe, provided too late or is far from unhindered. In Somalia and Darfur, for instance, access to the populations affected is severely limited, and significant numbers of people cannot be assisted by humanitarian agencies. In other situations, access is used as a tool in political bargaining, at the expense of the civilian population.

It is worth recalling that facilitating rapid and unimpeded passage to relief activities for civilians is an obligation under international humanitarian law. Both the Council and the General Assembly must therefore give more attention to the question of access, including in specific situations. We thus welcome the efforts of the Emergency Relief Coordinator to set up a mechanism for reporting on and analysis of access constraints in conflict settings. We look forward to receiving that analysis as part of the next report of the Secretary-General.

The protection of civilians is particularly fragile when those who should provide it are themselves at risk. Today more than ever, the safety and security of United Nations and associated personnel continue to be jeopardized. Humanitarian personnel in particular often face life-threatening risks when carrying out their duties. Against that background, the number of States parties to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel remains very low and must increase.

The safety and security of humanitarian personnel has long been a priority for us, and we are currently one of only two countries financing the Saving Lives Together initiative, which aims to provide better security for the United Nations, international organizations and non-governmental organizations in the field. We will continue our financial support for that initiative this year and hope that other donors will join us.

The consensus decision at the 2005 World Summit to accept the concept of the responsibility to protect was of historic magnitude, but it has not yet led to a paradigm shift in the protection of civilians. We believe that it is time to operationalize this concept and that the relevant discussions must be carried out with the necessary conceptual clarity. The responsibility to protect, as defined in the Summit Outcome Document (General Assembly resolution 60/1), is not as such linked to armed conflicts, but to the crimes listed in the Outcome Document: genocide, war crimes, ethnic cleansing and crimes against humanity. Some of those crimes do not necessarily occur in situations of armed conflict and therefore do not require a connection to armed conflict. The responsibility to protect concept is thus highly relevant to the discussion we are having today, but protection-relevant situations also occur outside of armed conflicts.

The President: There are still a number of speakers remaining on my list for this meeting. I intend, with the concurrence of members of the Council, to suspend this meeting until 3 p.m.

The meeting was suspended at 1.05 p.m.

Security Council

Sixty-third year

Provisional

5898th meeting
Tuesday, 27 May 2008, 3 p.m.
New York

President:	Mr. Quarrey/Sir John Sawers	(United Kingdom of Great Britain and Northern Ireland)
Members:	Belgium	Mr. Lammens
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Pan Jingyu
	Costa Rica	Mr. Urbina
	Croatia	Ms. Kožar
	France	Mr. Vandeville
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Ms. Lazouras
	United States of America	Mr. DeLaurentis
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

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08-35364 (E)

The meeting resumed at 3.05 p.m.

The President: I wish to remind all speakers, as Ambassador Sawers indicated at this morning's session, to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to the representative of Nigeria.

Mrs. Ogwu (Nigeria): The Nigerian delegation appreciates your initiative, Mr. President, in convening this open and timely debate on the protection of civilians in armed conflict. I also wish to thank Under-Secretary-General John Holmes for his lucid briefing and relevant comments this morning.

We believe that the protection of civilians in armed conflict remains a daunting challenge and a matter of deep concern for all nations. In today's world, the grim reality is that civilians have not only become the casualties of brutal conflicts, but also the direct targets of dubious military tactics such as abductions, suicide attacks, sexual violence and denial of humanitarian access. Nigeria is concerned that those situations still exist in spite of numerous international laws protecting civilians.

Equally distressing is the fact that women, children, the aged and other vulnerable groups, who are least responsible for perpetuating conflicts, inevitably suffer most from their adverse social and economic consequences. Even more heinous, journalists and humanitarian aid workers, whose services are vital to the well-being of refugees and internally displaced persons, are also targeted, maimed and often killed.

Nigeria unequivocally condemns all acts of violence either targeted at or perpetrated against non-combatants by the protagonists in conflict. In particular, we condemn sexual violence against women in all its forms, the recruitment and deployment of child soldiers and the culture of impunity.

Nigeria believes that the responsibility to protect civilians in armed conflict situations is a shared one, although it lies primarily with national Governments. Protection requires early intervention and rapid deployment of humanitarian assistance by the international community. It also requires systematic coordination and the pulling together of the capacities of various humanitarian agencies involved in efforts to bring relief to internally displaced persons and refugees. More significantly, it requires humanitarian access to rebel-held territories, so that civilians can obtain the needed assistance.

Other measures required to stem conflict and to deal with its consequences include the ratification and implementation of existing conventions and protocols on armed conflict. Efforts should be intensified to strengthen the International Criminal Court and other legal frameworks and mechanisms for monitoring and reporting attacks against civilians by both State and non-State actors. Indeed, the international community should take vigorous and concerted action to combat genocide, ethnic cleansing and crimes committed against unarmed civilians.

Conflict prevention, the rule of law and good governance are fundamental to the protection of civilians. Experience has demonstrated that it costs less to prevent than to control conflicts. That is why Nigeria is fully engaged in regional and subregional initiatives to prevent conflict. We stand firmly by regional initiatives such as the New Partnership for African's Development and the African Union peace and security mechanism. At the subregional level, we have steadily coordinated initiatives with other States members of the Economic Community of West African States to implement the Community's evolving security architecture.

Consequently, Nigeria calls for more international support for those regional and subregional organizations in order to strengthen their capacities through increased financial and technical assistance. Such support and assistance are necessary, since those organizations now bear most of the peacekeeping responsibilities on the continent.

In addition, we call on the international community to intensify its post-conflict peacebuilding efforts through the Peacebuilding Commission. Peacebuilding strategies should address short-term measures such as rehabilitating educational and health-care systems and laying the foundation for growth and long-term development.

The deliberate targeting of civilians and other protected persons in situations of armed conflict constitutes a threat to international peace and security. Hence, it is an issue within the remit of this Council.

However, it is only when we collectively muster the political will and common cause to act in unity that we can truly hope to establish a viable practice for the protection of civilians in conflict. Nigeria therefore invites Governments, the private sector, civil society and the international community to fully commit themselves to their obligations.

The President: I now give the floor to the Permanent Observer of Palestine.

Mr. Mansour (Palestine): I congratulate you, Sir, and your country, the United Kingdom, upon your assumption of the Security Council presidency. We are confident in your ability to wisely guide the Council's work. I also reiterate our thanks to South Africa for its very able leadership of the Council in April.

Protecting civilians in armed conflict, including situations of foreign occupation, must be a priority mission of the United Nations, and the Security Council has clear responsibilities in this regard. Of course, the protection of civilians is an important component of the work of United Nations bodies, including the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as of the work of many international humanitarian organizations.

The basis and guiding principles for such efforts are the rules of international law, particularly humanitarian law and human rights law. The need to protect civilians, promote their welfare and safeguard their human dignity is at the core of the spirit and the purpose of those laws. Protection provisions can be found in many instruments of law, including the Geneva Conventions, particularly the Fourth Geneva Convention, which comprises provisions explicitly aimed at ensuring the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation; the Additional Protocols to those Conventions; the human rights covenants; the Rome Statute of the International Criminal Court; and United Nations resolutions. Additionally, in 2005, in the World Summit Outcome Document (General Assembly resolution 60/1), world leaders affirmed the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Yet, despite such legal safeguards, armed conflicts continue to claim the lives of innocent civilians, who continue to be the victims of appalling human rights violations and crimes, suffering physical and psychological harm, displacement, imprisonment, torture, exploitation, hunger, poverty, disease and the destruction of their communities.

We must ask ourselves, then, why civilians are still so vulnerable and why such violations against civilians are permitted to continue with impunity. The answer lies primarily in the lack of respect for international law and the international community's failure, in many circumstances, to ensure respect for the law and hold violators accountable for their crimes, with a view to ending those crimes and ensuring the protection of civilians and the promotion of their human rights.

Regrettably, in the occupied Palestinian territory, the Palestinian people have been denied the protection to which they are entitled as a civilian population under occupation. There, civilians remain highly vulnerable and exposed to the occupying Power's lethal military force and massive, systematic and grave human rights violations. Palestinian civilians, including children, continue to be killed, wounded and maimed in Israeli military assaults, which are indiscriminately launched in civilian areas, particularly in the Gaza Strip, and which, in addition to the widespread casualties and destruction they cause, have terrorized and traumatized the population.

At the same time, the civilian population suffers from the unlawful collective punishment measures being imposed by the occupying Power. The situation in Gaza is most dire, due to Israel's ongoing inhumane siege, by which it is deliberately obstructing humanitarian access, the movement of persons, including sick persons needing treatment unavailable in Gaza, and the movement of goods, including food, medical and fuel supplies. There has been a severe impact on all aspects of life, with poverty, hunger, disease and instability rising, particularly among the refugee population and especially among children, and the humanitarian crisis deepening.

International law clearly forbids such brutality. Humanitarian and human rights law prohibit, inter alia, the killing and bodily injury of civilians, reprisals

against civilians and civilian objects, the wanton destruction of homes and other civilian property and the collective punishment of civilians. Such actions, wilfully perpetrated, constitute war crimes.

The international community's failure to hold Israel accountable for its violations and crimes has regrettably reinforced Israel's lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it from its legal obligations as an occupying Power. Here, there is a clear role that must be played by the Security Council. As Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council, if it cannot compel Israel to abide by the law, has a duty to determine and undertake appropriate measures to protect the civilian population. To continue doing nothing in the face of such crimes is unacceptable and, as we have witnessed over the years, the consequences are more than tragic.

The international community, including the Security Council, must uphold the responsibility and declared commitment to protect civilians in armed conflict. Respect must be demanded for the instruments of international law that are supposed to provide innocent civilians with protection from human rights violations and crimes in all situations of armed conflict, including foreign occupation.

Armed conflicts are disastrous, but they are not natural disasters; they are man-made. The rule of law must therefore be central to the debate on protecting civilians, for respect of international law is the key to the prevention of conflicts, the protection of civilians where conflicts arise and, ultimately, the peaceful settlement of conflicts and the promotion of human rights, human security and human dignity.

The President: I give the floor to the representative of Norway.

Mrs. Juul (Norway): Norway welcomes this debate on the protection of civilians in armed conflict and would like to thank Under-Secretary-General John Holmes for his important briefing to the Council.

Resolution 1674 (2006) was a watershed in the Council's work in the protection of civilians in conflict. The commitment and cooperation of Member States and the United Nations are key to ensuring the implementation of that resolution. The Council must systematically address the issue of protection in the mandates of United Nations peacekeeping operations. The issue of the protection of civilians must be mainstreamed into the work of the United Nations, including in reporting to the Council.

A major challenge in the protection of civilians is combating sexual and gender-based violence. Norway is deeply concerned about the continued use of sexual violence as a weapon of warfare. In the Democratic Republic of the Congo, and especially in the eastern part of the country, sexual and gender-based violence seems to have taken on epidemic proportions. It is unacceptable that impunity for such extremely severe crimes seems to be the rule and not the exception. Further, Norway supports the referral of such crimes to the International Criminal Court and the consideration of sanctions against Member States as well as non-State actors that perpetrate such crimes.

Norway urges the United Nations, Member States and non-governmental organizations to join forces in the Democratic Republic of the Congo, for example by expanding health services for survivors, focusing on transitional justice systems to build capacity to prosecute perpetrators, and finding means to prevent sexual violence from being perpetrated by ensuring that peacekeeping operations make life safe for women and girls. We support the recommendations of the Secretary-General that ad hoc judicial arrangements be established to address sexual violence in the Democratic Republic of the Congo and in other situations where impunity prevails.

The response of the Security Council to sexual and gender-based violence in situations of armed conflict must be intensified, including through the full implementation of resolution 1325 (2000). It is totally unacceptable that United Nations officials should be inactive witnesses to such atrocities or, even worse, part of such acts.

The humanitarian problem caused by the use of cluster munitions has been well documented. In each and every conflict where such weapons have been used, they have caused large numbers of civilian casualties and injuries, both during their use and for many years after the conflict has ended. The use of cluster munitions leaves behind large amounts of unexploded ordinance that is highly unstable and continues to claim the lives and limbs of civilians for years and decades after the conflict has ended. We

therefore look forward to a successful outcome of the ongoing negotiations in Dublin on a comprehensive treaty to establish a complete ban on cluster munitions causing unacceptable harm to civilians. Such a preventive measure will certainly save lives and limbs.

Safe, timely and unimpeded access for the delivery of humanitarian assistance is a crucial aspect of the protection of civilians. The Council has an important role to play in addressing that issue systematically. In that regard, Norway welcomes the initiative of the Office for the Coordination of Humanitarian Affairs to develop a monitoring and reporting mechanism to facilitate more in-depth analysis of the causes and consequences of access constraints.

Mr. Shinyo (Japan): Japan applauds the Security Council and the United Kingdom Government, in its capacity as President of the Security Council, for continuing to accord the highest priority to the plight of civilians in armed conflict. We also thank Under-Secretary-General Holmes for his report on that issue and commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its advocacy activities. I wish to address the Council in order to make four points about its work on that issue, and to briefly explain why we regard it as so important from the point of view of human security.

First, I would like to express Japan's support for the idea of the Secretariat's giving the Security Council a timely, appropriate briefing on the subject of the protection of civilians in armed conflict. In the open debate in November last year, a few countries expressed concerns about the proposal to establish a Council working group on the protection of civilians. We share the view that it is necessary to avoid duplicating the work of the Council and creating an additional bureaucratic mechanism. It is essential, however, that the Council receive the most accurate information and the best analysis if it is to make wise decisions regarding the establishment or extension of mission mandates. There is no question, then, that it would be beneficial for the expert group to receive a timely, appropriate briefing on that subject.

Secondly, we request the Security Council to brief all stakeholders, including countries that contribute troops or financing, in a timely and appropriate manner on the protection of civilians in armed conflict. Without the effective implementation of mandates, decisions taken in the Council cannot have the desired impact in the field. Briefing stakeholders would contribute greatly to rendering the Council more accountable and the implementation of the mandates of peacekeeping operations and other missions more effective.

Thirdly, Japan continues to regard the aide memoire on the consideration of issues pertaining to the protection of civilians as a useful tool to the Council in its consultations on mission mandates because it serves as a checklist of references to relevant areas and the mandates of past operations. We are therefore pleased that OCHA intends to revise it this year, and we would like to provide support for that work, including through financial assistance.

Finally, we look forward to seeing the next report of the Secretary-General. As the last mandate under resolution 1674 (2006) to issue a report has been discharged, a new request is needed from the Council, and we would expect that it will be accompanied by the analysis of humanitarian access that Under-Secretary-General Holmes proposed in the last open debate.

I would like to say a few words about the meaning of human security in the context of the protection of civilians. For one thing, human security is a concept that complements State security and seeks the protection and empowerment of individuals, putting the livelihood and dignity of individuals at the centre of our focus. It is consistent with the letter and spirit of the Charter of the United Nations and promoted in full respect of national sovereignty. It does not in any way suggest military intervention, even as a last resort, and thus differs from the notion of the responsibility to protect.

It is a concept that, at its core, is about the protection of the right of individuals to live their lives with dignity. It is a useful approach that emphasizes a culture of prevention in order to achieve freedom from fear and freedom from want. It asserts the need to protect and empower individuals, including internally displaced persons, in armed conflict and early on in the post-conflict period.

The concept of human security is related to the activities of the Peacebuilding Commission, with whose work the protection of civilians in armed conflict is closely linked. The previous discussion on internally displaced persons in the Working Group on Lessens Learned in March this year demonstrated that the Commission has a keen interest in the issues related

to the protection of civilians. The vital role the Commission has to play is providing a comprehensive strategy for peacebuilding so as to prevent a recurrence of conflict and to support related activities on the ground through promoting the mobilization of the resources of the international community. The Commission can continue to play a role in protecting civilians through activities ranging from the immediate post-conflict period to the period of reconstruction and sustainable development.

In order to mainstream human security in United Nations activities, Japan and Mexico, together with the Human Security Unit of the Office for the Coordination of Humanitarian Affairs, organized a fourth meeting of Friends of Human Security on the 15 May, at which we discussed issues such as gender-based violence and protection of children in armed conflict. And on 22 May the General Assembly had its first thematic debate on human security. In that debate, protection of the vulnerable people, including women and children in conflicts, was also underlined.

Outside the United Nations, beginning tomorrow, Japan will host TICAD IV — the fourth Tokyo International Conference on African Development — in Yokohama, with many African heads of State and Government participating. The theme will be "Towards a Vibrant Africa". Again, human security will be one of the principal topics of discussion, and the outcome of that discussion will then be reflected when the G-8 summit meeting is held in Toyako, Hokkaido, Japan.

In concluding my statement, I would like to commend every official of the United Nations and other organizations, including humanitarian personnel, engaged in trying to provide protection to civilians caught in conflicts, often under extremely difficult conditions. We are very interested in the work that the Independent Panel on Safety and Security of United Nations Personnel and Premises headed by Mr. Brahimi is doing, and we expect that the Panel will make concrete recommendations on ways to ensure the safety and security of the personnel.

The President: I now give the floor to the representative of Israel.

Mr. Carmon (Israel): At the outset, Mr. President, allow me to congratulate you on your able stewardship of the Council this month and to thank you for convening this debate. I also wish to thank Under-Secretary-General John Holmes for his informative briefing and to congratulate him and the Office for the Coordination of Humanitarian Affairs on their important and ongoing humanitarian work.

Israel assigns vital importance to the protection of civilians in armed conflict and is encouraged by the continued efforts of the Council and the Secretary-General and his staff in this area. We believe that all individuals should live without fear of physical, sexual, psychological and other forms of abuse that stem from or are aggravated by conflict.

The protection of civilians in armed conflict is one of the main objectives of international humanitarian law. It emanates from the universal understanding that acts of hostilities should be restricted, as far as possible, to armed forces in order to spare civilians from the horrors of war. This fundamental objective is reflected in the most basic principles and rules of international humanitarian law, in particular the principle of distinction between combatants and civilians.

Regrettably, this fundamental principle is often ignored in practice, as evidenced by the troubling fact that civilians account for the vast majority of casualties in contemporary armed conflicts. A quick snapshot of conflicts around the world reminds us of the almost daily deliberate violence carried out against civilians, as well as the cynical exploitation of civilians by their own Governments and insurgents, who intentionally choose to operate from densely populated areas, to use civilians as human shields and to recruit children for military tasks. It further reminds us of the failure of a number of States to protect their own civilians from immediate threats to life and security brought about by forces of extremism and instability.

The disturbing neglect of the duty to protect civilians in armed conflict does not originate from a lack of binding legal norms. It is the outcome of intentional and flagrant violation of existing norms. The efforts of the Security Council in this regard should be commended, above all resolution 1674 (2006), which marks a clear framework for action for all Member States.

One of the primary threats to the safety and security of civilians in contemporary armed conflicts stems from the activity of terrorist groups, as for them nothing is more alien than the protection of civilians. Terrorism, in its essence, is the international targeting of civilians, as we have been witnessing throughout the

world and in our region for so many years. The abhorrent celebrations of Hamas and other terrorist organizations in the Gaza Strip after the cold-blooded murder of eight Israeli students in Merkaz Ha-Rav seminary in Jerusalem, just recently, were a dreadful reminder of the true nature of terrorism.

Moreover, the blatant disregard of terrorists for the sanctity of human life is not restricted to the civilians of their adversary, but is extended also to their own populations. Abuse, manipulation and endangerment of civilians are at the heart of terrorist thinking and tactics. In Lebanon, Hizbullah maintains its military activity from within the fabric of civilian life. In the Gaza Strip, Palestinian terrorists use similar tactics and launch rockets and mortars from densely populated areas, while turning the civilians living in those areas into human shields. Only last week we observed a dreadful demonstration of the cruelty and disregard of the safety and security of civilians by the terrorist groups in Gaza when the Israel Defence Forces found weapons and ammunition hidden in a schoolyard in one of Gaza's neighbourhoods.

In Gaza, we have further seen the violence against Israel accompanied by manipulative activity orchestrated by Hamas to prevent the supply of humanitarian assistance to the Palestinian civilians under its control and responsibility. Hamas is deliberately targeting those crossings that Israel uses in order to transfer the humanitarian supplies, and afterwards allocates the supplies for its own terrorist means, instead of allowing their distribution among the civilians who really need them. In this case, civilians are not merely used as shields to mask acts of violence, but they are deliberately deprived of humanitarian assistance. They are, in fact, held hostage by terrorism.

Hamas's violent activity, aimed at blocking humanitarian aid to the citizens of Gaza, constitutes a manifest violation of international humanitarian law. It is regrettable that this malicious tactic was not specifically mentioned in today's comprehensive briefing by the Under-Secretary-General for Humanitarian Affairs among the other illegal constraints that violate international law that were mentioned.

The tactics of terrorist groups, a few of which I have just alluded to, present a great challenge to those States that struggle to protect their civilians from the threat of terrorism. Our foremost obligation as a nation is to protect our civilian population from violence. Yet, we must also take great pains to minimize any harm to other civilian populations, thereby preserving the fundamental values and principles that define us as a nation, which we proudly embrace. All States must act to strike a proper balance between their obligations to fight terrorism and protect their citizens and their responsibilities under international humanitarian law.

The protection of civilians in armed conflict is a common interest of the international community, and much more can and should be done to achieve this shared commitment. Israel recognizes that it is the duty of all States first and foremost to protect their civilians from all harm. Equally important is the obligation incumbent upon all States to ensure that intentional attacks against civilians are not launched from their own sovereign territory.

When sovereign States fail to govern responsibly according to their duties under international law, terrorists and other non-State actors seek to take advantage of the void. Similarly, when States support terrorist groups by providing safe haven, weapons, training and financing, they should bear responsibility for the actions of those groups and be held accountable for violations of international law.

The international community must respond firmly to illegal threats to the safety and security of civilians, as its choice to firmly address those situations now could save the lives of countless civilians in the future. The failure to hold accountable those armed groups that abuse the protected status of civilians and thereby endanger civilian lives will only encourage terrorist groups to increase their reliance on those reprehensible tactics.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): At the outset, I should like to express to the Security Council my delegation's gratitude for the holding of this meeting devoted to the issue of the protection of civilians in armed conflict. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his briefing to the Council on the latest developments relating to the protection of civilians in armed conflict since the publication of the Secretary-General's most recent report (S/2007/643) on the matter, in October 2007.

In spite of the legal developments and the international conventions adopted to address the issue of the protection of civilians in armed conflict since the establishment of the United Nations — from the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the many resolutions of the Security Council — civilians in armed conflict continue to pay the ultimate price. As regards the protection of civilians in armed conflict, the gap continues to grow between the letter of the law and its implementation.

Civilians living in armed conflict and people living under the yoke of colonialism and foreign occupation and settlement are still submitted to all sorts of violence, forcible displacement, deliberate denial of humanitarian assistance and the confiscation of their land. Their only fault is to be living in a region of armed conflict or to have had their land occupied by others in their absence and disposed of without their consent — although most of the time that takes place while they are on their own land.

In his briefing to the Council last November, Mr. Holmes referred to the deteriorating situation in the occupied Palestinian territories, and especially in Gaza. He said then that

> "the situation in the occupied Palestinian territory, particularly in Gaza, is reaching the limits of what is bearable for any community" (*S/PV.5781, p. 4*).

I believe that the situation to which Mr. Holmes referred has not improved to date; in fact, it has worsened. Israel, the occupying Power, has continued its policies against the Palestinian people. Those policies have resulted in starvation, injustice, tyranny, collective punishment, the confiscation of land, violations of human rights and international humanitarian law and forcible displacement. Israel, the occupying Power, is continuing to intensify its siege against the Palestinian people, to close crossing points and to transform the Gaza Strip into the largest prison in the world. At the same time, it is depriving the population of life's basic needs by cutting off water, electricity, fuel, medical and food supplies, as well as by blocking access to humanitarian assistance and preventing international humanitarian organizations from carrying out their work. That includes such organizations as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which has called for emergency relief because Israel has stopped providing the Gaza Strip with fuel. All of that means that there is a huge imbalance in the Security Council's and the international community's response as regards the prevailing tragic situation in Gaza.

Moreover, it cannot be denied that the occupying Power is continuing its attacks against civilians in the occupied Arab territories undeterred. That is due to the hesitation on the part of the international community to condemn Israel's siege against the Gaza Strip, as well as its failure to call for an immediate halt to those policies and illegal practices. Even worse is the fact that, despite the statements we have heard in the Council, some States have attempted to justify such illegal acts by Israel and have prevented the international community, and the Security Council in particular, from adopting measures to halt such violations.

We would like to point out that the Charter of the United Nations does not grant States the right to violate the rights of civilians, including those living under the yoke of occupation, under the pretext of self-defence. The Charter establishes specific and clear responsibilities for occupying Powers under both international and international humanitarian law as regards humanitarian issues and other issues relating to peoples under occupation. The international community, including the Security Council, should assume its clear obligations in that regard. We must take immediate tangible steps to implement international law free from double standards and in a way that maintains the Council's credibility in the maintenance of international peace and security.

The situation of the Syrian population living in the occupied Golan is not much different from that of the Palestinian people. The Israeli occupying Power is continuing its policy of forced displacement and expulsion, as well as the seizure of the private property of Syrian citizens in the Golan. Israel is also continuing to confiscate land and to expand settlements in occupied Syrian Golan. Israel's new settlements council in the Golan won the approval of the occupying Power to begin to construct a new tourist resort on 40 dunums of land near the Israeli settlement of "In Am", which was established in Syria's Wadi Nakhil Al-Tiba region. The settlements council, in cooperation with the extremist religious settlement of Unitan, has devised a plan to attract thousands of

settlers in order to increase their numbers in the Syrian Golan to over 50,000.

Israel is continuing its policy of suppressing Syrian civilians in the occupied Syrian Golan, illegally imprisoning and detaining them in conditions that threaten their lives. I should like to refer to the cases of Syrian citizens held as prisoners of war, namely, Bishr Al-Maqt and Sitan Al-Wali, the latter having had a nephrectomy, which is a surgical procedure to remove a kidney that is due to a tumour. My Government has called upon the Secretary-General, the Red Cross and other concerned international parties to intervene to save their lives. I would like to remind the Council, in this context, that Syrian prisoner of war Hael Abu Zayd had suffered from similar symptoms, which led to his death from cancer in 2005.

Therefore, we once again call upon the United Nations and the Security Council to pressure Israel to release those prisoners of war without delay, including Syrian journalist Atta Farhat, who was detained by Israel because of his nationalist activities as a journalist.

In the same context, Israel persists in its policies that aim to cut all forms of contact and communications between members of Syrian families separated by the occupation. In addition, on 15 April 2008, Israeli authorities confiscated the Syrian identification cards that had been given to Damascus University students from the occupied Syrian Golan during their trips home to their towns and villages. Syria calls upon the Council, with a view to giving credibility to this discussion, to pressure Israel to permit the immediate resumption of visits by Syrian citizens living in the occupied Syrian Golan to Syria proper, through the Quneitra crossing point. Since Israel is an occupying Power and a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, it is incumbent on it to implement the Convention's articles 25, 26, 30 and 142, as well as article 74 of the first Additional Protocol to it, in order to allow and facilitate family visits of persons in the occupied territories.

My country has sent letters in this regard to the Secretary-General and the Presidents of the General Assembly and the Security Council, and to international governmental and non-governmental organizations to intervene to help to solve the problem of permitting Syrian citizens from the occupied Syrian Golan to visit their families. We are full of hope that those parties will translate the positions that we have heard in this discussion into facts on the ground, particularly the positions with a firm basis in international law.

Speaking of international law, the Israeli occupation of the Golan is a two-fold occupation giving rise to two crimes because Israel not only occupied the Syrian Golan in 1967, but also issued a provocative and unjust decision to annex it. That decision was unanimously rejected by the Security Council in its resolution 497 (1981), which decided that Israel's annexation decision was null and void and that called upon Israel to rescind it forthwith.

Finally, despite the great importance that the Syrian Arab Republic attaches to the Council's consideration of the issue of civilians in armed conflicts, I call on the Council to address the issue of civilians suffering under the yoke of foreign occupation in Palestine and the Golan with equal seriousness and momentum, and in an objective and impartial manner, free from the use of double standards. We also call on the Council to undertake an in-depth study of the reason for the suffering of those civilians, namely the Israeli occupation.

The President: I now give the floor to the representative of Peru.

Mr. Voto-Bernales (Peru) (*spoke in Spanish*): I would like to thank you, Mr. President, for convening this open debate on the protection of civilians in armed conflicts. Likewise, I would like to express my gratitude to the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes, for his briefing and to highlight the work that is being done by his Office in order to improve the protection of civilians in armed conflicts.

In this regard, we are concerned by his overview on the situation of civilians in armed conflicts. Even though the number of conflicts has declined compared to recent years, violations of human rights as well as international humanitarian law have increased in some of them, and the civilian population, in particular women and children, are still the main victims. In many cases, it is precisely women and children who are the direct targets of the attacks and sexual violence because of their gender or their vulnerability in an environment of almost complete impunity.

The risk situations that are faced by civilian populations in conflict situations, for example, in Somalia, Palestine, Iraq, Darfur, Chad, Afghanistan and the Democratic Republic of the Congo, to mention but a few, show that despite the good intentions of the international community, the Security Council and even the Governments concerned, the civilian population is still largely defenceless. In this respect, Peru believes that the Security Council must continue to promote effective and feasible actions in order to guarantee the protection of civilians in armed conflicts as well as those of internally displaced persons and refugees.

Taking into account the reports on this theme, we believe that, first of all, in accordance with international humanitarian law, the parties to a conflict must allow and facilitate the unhindered access of all humanitarian assistance for civilians who require it. Regrettably, the reality on the ground shows us that this access is far from being safe, timely and obstacle-free, which means that millions of people are deprived of assistance that is crucial for their survival.

That is why we support the practice of the Security Council to receive reports on every situation where there are serious access problems.

Secondly, we support the decisions of the Security Council with respect to the mandate for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in resolution 1794 (2007) and the measures adopted for the Democratic Republic of the Congo in resolution 1807 (2008) to tackle the problem of the use of sexual violence against women as a weapon of war. We hope for similar actions wherever and whenever they are necessary in order to prevent women and girls from continuing to be the main victims of acts of violence in armed conflicts.

Peru supports programmes and policies that promote the prevention of violence. In this context, we must stress the need for the full implementation of resolution 1325 (2000). We reiterate that serious cases of rape and other forms of sexual violence warrant being referred to the International Criminal Court. Furthermore, States must assume, as a priority, their own responsibility to bring to justice and punish those who are responsible for crimes as part of an overall approach to peace, justice, truth and national reconciliation.

Thirdly, we must stress the need to systematically include in resolutions references to the rights of internally displaced persons and refugees to return safely to their homes and places of origin, as well as the rejection of the consequences of ethnic cleansing and sectarian violence. United Nations peacekeeping missions and other missions must have mandates that prevent the appropriation and the unlawful seizure of land and property that has been abandoned by refugees and internally displaced persons, and that support the issuance of property deeds when these have gone missing or have been destroyed.

Fourthly, the Security Council must urge the parties to a conflict and multinational forces authorized by it to comply with the obligations that concern them in conformity with international humanitarian and human rights law, and to report on the measures adopted in order to guarantee the protection of civilians during hostilities in the implementation of their mandates.

Fifthly, we agree that it is necessary to put an end to the terrible humanitarian consequences of cluster bombs and anti-personnel landmines. The harm caused by these weapons continues over time because they continue to maim civilians long after a conflict is over, preventing the return of internally displaced persons and refugees to their homes and the socio-economic development of the affected areas. It is necessary to adopt a binding instrument that would ban cluster bombs, which cause irreparable damage to the civilian population. In this respect, we expect major progress and a political commitment in the Dublin conference this week.

It is important to seek the full implementation of resolution 1674 (2006), which contains crucial provisions for improving at the international system for the protection of civilians in armed conflicts, including the responsibility to protect populations from war crimes, genocide, ethnic cleansing and crimes against humanity.

Lastly, we support the proposal of the Secretary-General on the establishment of a working group of the Security Council, which would specialize in the protection of civilians and be made up of experts. That idea should be studied very carefully on the basis of a further developed and detailed proposal. For the time being, we stress that reports on conflicts included in the Council's programme of work must contain

information on the protection of civilians. Likewise, the Council's warning mechanisms and that of the Secretary-General must be activated in order to protect civilian populations.

The President: I now give the floor to the representative of Mexico.

Mr. Heller (Mexico) (*spoke in Spanish*): Mexico is grateful for this open debate, which provides an update of the sixth report of the Secretary-General on the protection of civilians in armed conflict. The document is particularly important and includes significant recommendations for the strengthening the protection framework that the Security Council and the United Nations system could provide in the field. We thank Under-Secretary-General Holmes for his unambiguous briefing this morning.

My delegation attaches great importance to this topic and supports the holding of debates in the Security Council in this area. On the basis of the Secretary-General's report, my delegation would like to reiterate the content of its statement at the 5781st meeting, on 20 November, and to emphasize again that parties in conflict, regardless of its nature, must respect the norms of international humanitarian law and human rights and comply with the principles of neutrality and impartiality in protecting civilians during armed conflicts.

The challenges faced by our Organization with regard to the protection of civilians in armed conflicts are very diverse and highly disturbing. Access to humanitarian assistance, protection of civilians in the mandates of peacekeeping operations, sexual and gender violence and the use of cluster munitions constitute some of the challenges that require specific action and on which my delegation would like to make the following comments.

First, Mexico acknowledges that the primary responsibility for the protection of civilians rests with States. This is crucial for States to avoid actions that hinder the access of humanitarian assistance to civilians. In some recent cases, access to basic services and to humanitarian assistance has been limited, which has made it difficult to guarantee even the minimum conditions for their survival. In that framework, Mexico expresses its concern over the increase in pirate attacks off the coasts of Somalia, which endanger the delivery of humanitarian assistance to the civilian population of that country, given the fact that 80 per cent of the food assistance from the World Food Programme to Somalia travels by sea.

Secondly, my delegation stresses the importance of strengthening protection of civilians in armed conflicts within the mandates of peacekeeping operations. We believe it is crucial that in post-conflict situations coordination mechanisms are established with regard to security sector reform, both at Headquarters and in the field, in order to strengthen the rule of law, the administration of justice, the protection of human rights and the disarmament, demobilization and reintegration of former combatants.

Thirdly, gender violence, including sexual violence, whose main victims are women and children, constitutes another significant challenge. Mexico acknowledges the efforts made by the Organization to combat this scourge, such as the adoption of General Assembly resolution 61/291, on peacekeeping operations in all its aspects, and Assembly resolution 62/214, on assistance and support to victims of exploitation and sexual abuse committed by United Nations personnel. Those actions contribute to strengthening the image, credibility and effectiveness of the United Nations.

Lastly, Mexico reiterates its concern regarding the use of cluster munitions and calls upon all States to prevent their use in armed conflicts. Given their indiscriminate nature and low reliability, they leave behind many explosive remains that affect entire civilian populations, especially after the conflict is over. Mexico, along with other States, is participating in the Dublin conference, where a legally binding instrument to ban that category of weapons is being negotiated.

Mexico believes that resolutions adopted by the Security Council for the protection of civilians in armed conflicts should be properly justified and guided in the light of the principles and norms of international humanitarian law. That would allow further strengthening and development of such standards and would grant more legitimacy to the Council's actions and decisions.

My delegation emphasizes the importance of cooperation of States, the Organization and particularly the Security Council with the International Criminal Court so as to strengthen the latter and enable it to fully comply with one of the main purposes for which

it was created: to end impunity with respect to the gravest crimes afflicting humankind.

We are convinced that a fundamental component of the Security Council's work in the protection of civilians in armed conflicts is that, among the measures adopted under Chapter VII of the Charter in certain situations, it would order States to act against those responsible for committing international crimes. Additionally, should the States be unwilling or unable to carry out such measures, the Council would consider submitting the matter to the International Criminal Court.

Moreover, Mexico believes it important to heed the Secretary-General's proposal to the Security Council to create a working group charged with guaranteeing the protection of civilians in armed conflicts, as well as promote more systematic attention to this issue in the Council's deliberations.

The work of this working group will have to put special emphasis on the rules that operate during hostilities so that all parties in the conflict refrain from using weapons or methods that might cause unnecessary losses or excessive and unnecessary suffering, and that they comply at every moment with the principles of international humanitarian law.

Taking all that into account, my Government appeals to Member States to support the United Nations and other stakeholders involved in efforts to create a culture of protection, in which Governments fulfil their responsibilities, armed groups respect the norms of international law, the private sector recognizes the impact of its commitment in countries in conflict regarding international humanitarian law and human rights and, finally, Member States and regional and international organizations act swiftly and decisively in humanitarian crises.

The President: I now give the floor to the representative of Austria.

Mr. Pfanzelter (Austria): We firmly believe that today's Security Council debate can make a significant contribution to the development of a culture of protection within and outside the United Nations. Austria is fully committed to furthering the cause of the protection of civilians in armed conflict and therefore highly appreciates the Secretary-General's proposal on a specific working group.

Too often, the principal victims of armed conflict are women and children, on whose shoulders lies the future of society. We fully support Security Council resolution 1612 (2005) and its monitoring and reporting mechanism, which is an important instrument for protecting children in armed conflict.

Regarding the implementation of Security Council resolution 1325 (2000), on women and peace and security, I think everyone agrees that we have to intensify our efforts. On the basis of our national action plan, Austria is working with its partners to put the commitments of resolution 1325 (2000) into practice not only in the European Union and the Organization for Security and Cooperation in Europe, but, of course, especially also in the United Nations.

We are deeply shocked by the appalling level of sexual and gender-based violence in conflict situations throughout the world. We read reports on this almost on a daily basis. These acts are horrendous crimes for which those responsible must be brought to justice. They also have far-reaching implications for the development of affected societies in general. For this reason, Austria has increased its support to campaigns against sexual violence and assistance programmes for victims of sexual violence, especially in the eastern Democratic Republic of the Congo.

We call on the Security Council to mainstream the fight against gender-based violence throughout its work and to make full use of the range of measures and tools available, including the imposition of targeted measures and referral of situations of serious violations against women and children to the International Criminal Court. We also call on Member States to strengthen the rule of law and fully utilize accountability mechanisms to bring to justice the perpetrators of these violations.

Austria is also committed to the protection of civilians in armed conflict by striving for a ban on cluster munitions that cause unacceptable harm to civilians, the destruction of cluster munitions stocks and a prohibition of their transfer, swift and efficient clearance of contaminated areas and comprehensive assistance to victims of these weapons. Currently, as has been pointed out, more than 100 States are gathered in Dublin to conclude a legally binding instrument on the basis of the Vienna Document on cluster munitions of December 2007. Austria believes that such an instrument should prohibit the use, production, transfer and stockpiling of cluster munitions.

It should also establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions. A successful outcome of the Dublin conference will mark a crucial step in better protecting thousands of civilian lives during armed conflict.

On the national level, Austria has enacted a law totally banning cluster munitions. As a consequence, we will destroy all stocks of this heinous weapon within the next three years. Austria views its national ban on cluster munitions as a concrete contribution to the protection of civilians and calls on other countries to follow suit.

The President: I now give the floor to the representative of Afghanistan.

Mr. Tanin (Afghanistan): Let me begin by expressing my delegation's gratitude to you, Mr. President, for organizing today's open debate on the protection of civilians in armed conflict. Last week's debate on post-conflict stabilization (see S/PV.5895) was very productive, and we believe that today's topic is inextricably linked to stabilization and peacebuilding.

The protection of civilians is a very important issue to Afghanistan as the Taliban and Al-Qaida continue their heinous acts to disrupt the efforts of the Government and international forces to establish a stable, prosperous and democratic Afghanistan.

In our endeavour towards developing a democratic State, it is essential that all citizens feel that their human rights are secure and that everyone be treated with dignity and respect. The most basic human right is the right to live in security but, too often, terrorists deprive people in Afghanistan of this fundamental right.

Indiscriminate and brutal terrorist attacks are carried out in Afghanistan, particularly in the southern part of the country, as terrorists use fear tactics to undermine people's trust in their Government and in the international community. Whether in the form of roadside bombings, suicide attacks or various other heartless killings, the acts of violence committed against civilians by the Taliban and Al-Qaida are premeditated and calculated. They are designed to weaken the determination of the international community to support Afghanistan and the trust that the Government is trying to build with our citizens.

The enemies of Afghanistan intentionally seize opportunities to use civilians in combat in order to complicate the response of international and national security forces. The insurgents attack remote villages populated by peaceful farmers and labourers. They take shelter in or around homes and buildings, using them to attack security forces, in an attempt to force combat in civilian areas. Local residents are inevitably caught in the middle.

The Afghan Government and international forces spare no effort to avoid civilian casualties, while terrorists use civilians as human shields. The suicide attacks are the clear manifestation of deliberate killing of innocent people. In fact, they thrive on a casual disregard for the sanctity of human life and the enmity that widespread violence breeds.

Although it is very difficult to avoid collateral damage, an integral part of military planning is to avoid harming civilians. The number of civilian casualties is lower than often reported. Also, we are not certain about the accuracy of casualty estimates presented by international organizations, as they are mainly based on reports that in many cases latter proved to be exaggerated. In fact, we face an enemy without a uniform or identity badge, indistinguishable from local people. As a result, a dead Talib may be perceived as a civilian casualty if he is an Afghan Talib.

Despite the complexity of the issue, the protection of civilians is of the highest priority for our Government. Our forces act with the utmost precautions during combat in civilian areas. Furthermore, international and Afghan forces have recently implemented new methods, including the use of smaller bombs, and have revised the use of other weaponries. A new mechanism of coordination between the International Security Assistance Force and our security forces has been established in the eastern and southern zones, which allows us to carefully plan operations and avoid collateral damage.

Thanks to these methods and mechanisms, my delegation is happy to report that the number of civilian casualties and air strikes during counter-terrorist operations has decreased considerably since 2007. However, the Government of Afghanistan is deeply concerned about any loss of civilian life and

urges the international community to exercise utmost caution during combat operations.

Although we have come a long way, much more needs to be done, both in Afghanistan and beyond. Unfortunately, where there is armed conflict, there will be casualties; that is a sad and painful truth. In order to enjoy the popular support of the people, any use of force by the Government requires an elaborate moral justification. Terrorists and insurgents take advantage of that necessity with acts of violence that erect a barrier of fear and mistrust between the people and their Government.

Nonetheless, the most important question before us is how to minimize civilian casualties in armed conflict. The international community and the Government of Afghanistan have a common understanding that it is imperative to enhance coordination between national Governments and international organizations with a view to protecting civilians.

We are in a battle to win hearts and minds in Afghanistan. Terrorists are ruthless and irresponsible by nature: they intentionally exploit our sense of fairness. However, our humanity is not a weakness. In fact, it is the very foundation of our society. Hence it is crucial that we act upon what we have learned here today to secure the lives of civilians and engage local communities — it is they who are at the front lines of the struggle. After all, the diplomatic efforts here and the counter-terrorist operations on the ground have a common goal: to protect the peoples of our nations, without whom there would be nothing to fight for.

The President: I now give the floor to the representative of Georgia.

Mr. Tsiskarashvili (Georgia): At the outset, allow me to express my appreciation to the United Kingdom mission to the United Nations for convening this meeting in order to discuss this very important issue. The delegation of Georgia fully associates itself with the statement made by the Slovenian presidency of the European Union.

While discussing this critical issue, I would like to draw the attention of the members of the Security Council to the intolerable situation of the civilian population forcibly displaced due to the conflict in Abkhazia, Georgia. For the past 15 years, our people and Government have dealt with the consequences of the protracted conflict on the territory of Georgia. Hundreds of thousands of my compatriots still remain outside of Abkhazia, Georgia, and since their forceful displacement, they have been willing to return to their homes of origin for more than 15 years now.

The expelled population is forced to live in crowded temporary shelters or other similar accommodations. The United Nations, and particularly the Office of the United Nations High Commissioner for Refugees, has been involved in negotiations to secure the prompt and safe return of refugees and internally displaced persons (IDPs) to their homes, but unfortunately those efforts have not met with a positive response by the de facto regime. The spontaneous return of (IDPs) and refugees has occurred only in the Gali district of Abkhazia, Georgia. But those who returned put themselves at great risk. Their fundamental rights are consistently violated.

It is inadmissible that houses and other property belonging to IDPs and refugees of all ethnicities have been sold to new owners. Unfortunately, some have illegally acquired private and public properties on the territory of Abkhazia, Georgia, and this process is still going on. We believe that the international community must condemn those unlawful actions and treat them accordingly. The Government of Georgia has recently launched a State programme to collect data on the property of IDPs and refugees left in Abkhazia, Georgia, and this process is under way.

The young generation of returnees is deprived of one of their most fundamental rights: studying in their mother tongue, as the de facto regime prohibited Georgian as an instruction language at schools in the Gali district. In recent years we have witnessed frequent violations of the Georgian population's constitutional right to vote. Just recently, we observed the persecution of religious freedom: the de facto local authorities expelled a Georgian Orthodox priest from the Gali district after he was banned from holding services.

For more than a decade we have observed the fundamental rights of civilians in the conflict zone of my country being increasingly targeted and challenged. It is distressing to see how members of the spontaneously returned population have become victims of physical and psychological violence on a daily basis. That circle of violence can be stopped only through joint international efforts. Here, I would like to

stress the leading and principal role of the Security Council in addressing the outstanding issues related to the peaceful solution of the conflict in Abkhazia, Georgia, and would like to underline the importance of Council resolution 1808 (2008) and the recently adopted General Assembly resolution 62/249, which addresses in a comprehensive manner the issues related to the IDPs and refugees.

I want to thank you again, Sir, for giving me this opportunity to address the Security Council today on this very important matter.

The President: I now give the floor to the representative of Myanmar.

Mr. Swe (Myanmar): I wish to thank you for giving me the opportunity to participate in the open debate on this important subject. I also wish to take this opportunity to express my deep appreciation to Mr. John Holmes for his tireless efforts and for updating the Council on the protection of civilians in armed conflict.

In the years since the adoption of resolution 1296 (2000), the international community has faced numerous challenges in providing security and well-being to civilian populations. Armed conflicts, which lead to a cycle of violence and do great harm to civilians, are exacerbated by the easy availability of illicit small arms and light weapons. Because of the easy availability of small arms, some 300,000 civilians are killed every year by small arms and light weapons in armed conflicts.

We therefore continue to believe strongly that one of the most effective ways to protect civilians in armed conflicts is to have a legally binding international instrument prohibiting the illicit trade in small arms and light weapons to non-State actors.

The easy availability of illicit small arms and light weapons also compounds the danger of terrorism, which causes great suffering to the civilian population. The Security Council adopted resolution 1674 (2006), which condemns in the strongest term all acts of violence or abuses committed against civilians in situations of armed conflict. Myanmar joins the international community in condemning all such acts.

We are in full sympathy with victims of armed conflicts in various parts of the world because we ourselves have gone through the bitter experience of insurgent groups committing atrocities against our civilian population. Soon after attaining independence, Myanmar had to face numerous insurgencies. Throughout various periods of insurgency, our civilian population has suffered much at the hands of the insurgents.

The most efficient way to protect civilians in armed conflicts is to resolve the root causes and bring the armed conflict to an end. Therefore, the Myanmar Government has embarked on a national reconciliation process and has been successful in bringing 17 of the 18 insurgent groups back to the legal fold. As a result, some 100,000 former armed insurgents are no longer fighting the Government. They have also joined the National Convention process, which laid down the fundamental principles to be enshrined in the new constitution. They have taken active part in the recent referendum, which endorsed the draft constitution.

There now remains a faction of one insurgent group, the Karen National Union (KNU) and remnants of armed narco-traffickers, who are now confined to small enclaves in the border areas. The Government continues to invite the KNU insurgents to come back to the legal fold. In the past, we have encountered difficulties in our discussions with the KNU, because of outside interference that hindered the peace process. However, we are gratified that, as a result of the continued efforts of the Government at national reconciliation, we were able to reach a peace agreement with an important faction of the KNU/Karen National Liberation Army (KNLA) in February 2007. Over 500 members, led by the Chairman of the KNU/KNLA Peace Council, returned to the legal fold after the successful conclusion of peace negotiations. The Government will continue its endeavours to negotiate with the remaining fraction of the KNU, for it to return to the legal fold and join hands with local populace in developing their region.

I wish to reiterate once again our strongly held belief that only a comprehensive approach promoting economic growth, eradicating poverty and bringing about sustainable development and national reconciliation will enable us to put an end to armed conflicts, which, to us, is the best way to protect civilians.

Before I conclude, let me say that I find it highly objectionable that some delegations have tried to use this debate to politicize a humanitarian issue caused by a natural disaster.

My delegation also greatly regrets that Under-Secretary-General Holmes saw fit to mention in passing the issue of access in the aftermath of natural disaster. As he himself said, that is clearly outside the scope of the report and today's debate.

The President: I give the floor to the representative of Colombia.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me at the outset to congratulate you, Sir, on your work as President of the Security Council during the month of May.

I should also like to thank Under-Secretary-General Holmes for his briefing and for his intensive work since he assumed his post.

The topic of today's debate is particularly relevant not only for the Security Council, but also for all States Members of the United Nations, and we therefore appreciate the convening of this debate.

The decrease in violence indices in Colombia continues to be the subject of wide recognition. At the same time, and especially in some regions of the country, threats persist that affect certain sectors of the population and prevent them from enjoying their rights. The actions of illegal armed groups, drug trafficking and terrorism are the core negative factors jeopardizing the rights, personal freedom and property of those citizens. As was pointed out by Under-Secretary-General Holmes, those groups continue to perpetrate serious infractions, including mass displacements, against civilians.

For the Government of Colombia, the protection of civilians and strict compliance with international humanitarian law and other relevant international norms are absolute priority objectives. My Government rejects any action against civilians that violates those norms.

Freedom and human rights can be fully realized when order, security and the rule of law are guaranteed. The Government of Colombia, guided by that principle and by its democratic security policy, is persevering in its efforts to protect all its citizens and guarantee the enjoyment of their rights.

The results achieved in the five years of implementation of the democratic security policy in Colombia have generated a virtuous circle in which security contributes to a rising level of confidence in the country and fosters private and social investment, which in turn helps to improve the living conditions and security of the population. Compared to the situation in 2002, in 2007 there was a substantial decrease in the rates of homicide, which were reduced by more than 40 per cent; the killing of union members, which dropped by 92 per cent; and extortive kidnapping, which fell by more than 86 per cent.

More than 46,000 people have been demobilized from illegal armed groups, individually or collectively. Through the special programme for the protection of union members, human rights activists and other threatened persons, some 9,500 persons have received protection. As of January 2008, none of the union members under protection, who represent some 20.7 per cent of the total number of persons in the programme, had been a victim of violence.

In 2007, the number of new cases of persons displaced by violence remained below 60 per cent compared to the figures of 2002. Some 82 per cent of all households included in the registry of displaced persons have received humanitarian emergency assistance, and more than 38,000 families have received State support in the process of return or resettlement. The programme supporting those affected by displacement applies a comprehensive support strategy to families by promoting income-generating activities and socio-economic stabilization.

The Government of Colombia is guided by the core premise that the primary responsibility for protecting civilians rests with the State. In turn, every State may appeal for international support when it is deemed necessary. In that context, the United Nations and the international community in general have a role to play in support of national protection efforts. If humanitarian assistance is to be trustworthy and predictable, it must be undertaken in conformity with the United Nations Charter and the principles it enshrines.

During the debate that took place in November 2007, my delegation expressed some opinions on the recommendations contained in the report of the Secretary-General, among them that to create a Security Council working group on the issue. We are of the opinion that the existing institutional structures are sufficient to allow the United Nations to address issues concerning the protection of civilians in an adequate and effective manner. Rather than create new entities,

the work must be aimed at supporting efforts to protect civilians in specific situations and take the specific conditions of each case into account.

It is equally necessary to maintain an adequate level of cooperation between the Security Council and other relevant organs of the United Nations. Such coordination is all the more productive when the Council operates within the limits of its competence. In that respect, we must support efforts to improve the operational and legal framework of the United Nations in the protection of civilians, and the role of the General Assembly as the organ competent to adopt policy guidelines in the humanitarian field.

The protection of civilians is a noble objective consonant with the human values of our Organization. Action in that field must consequently transcend individual interests and be legitimized as strictly humanitarian work. Only thus can assistance to the civil population be effective and fully accomplished.

The President: I call on the representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): At the outset, I extend my thanks to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, for his briefing this morning.

In spite of the important progress achieved by the international community since the mid-twentieth century in the development of enhanced international law mechanisms to protect civilians and determine criminal responsibility for the massacres of thousands of civilians in armed conflicts, we continue to witness new and tragic forms of genocide, war crimes, ethnic cleansing and crimes against humanity, including deliberate killing, rape, the confiscation and destruction of property, forcible displacement and other blatant violations of international humanitarian and human rights law. Belligerents resort to such means chiefly in order to exert the greatest possible political pressure and to achieve battlefield victories at the expense of innocent civilians, especially children, women, the elderly and the handicapped, as well as humanitarian and media workers, with full impunity in many existing conflicts.

We believe that the continuation of this problem is not due to a lack of a humanitarian and legal framework established by the United Nations for this purpose. That framework is almost comprehensive and includes international instruments such as the Fourth Geneva Convention of 1949 and its Additional Protocols of 1977 and many other resolutions and presidential statements adopted by the Security Council for protecting civilians. We think the problem lies in the non-compliance of the combatant parties with those instruments and their selective implementation in some conflict zones.

In our opinion, that non-compliance requires that the international community, particularly the Council, reconsider the standards for observing the measures for protection of civilians during armed conflicts according to resolution 1674 (2006). The resolution recognizes not only the primary responsibility of States for protecting their civilians, but also the joint responsibility of the international community to help States shoulder their responsibility in this respect. Therefore we affirm the importance of the following points.

First, we must strengthen the Council's important and coordinated international role in cooperation with the Secretariat's various specialized departments and agencies and United Nations bodies such as the General Assembly, the Economic and Social Council and the Human Rights Council, particularly in taking effective, prompt and decisive action to prevent civilian suffering in conflict zones and in creating a safe environment for civilians as a priority in cases of armed conflict and as one of the priorities for the Council's work in maintaining international peace and security and building peace in accordance with the Charter. In that regard, we stress the importance of developing mechanisms for observing and monitoring practices against civilians during armed conflicts and procedures for urging all States and parties to conflicts to ensure their compliance with their commitments with regard to the non-targeting of civilian populations and the protection of their property and legitimate interests, without double standards. Procedures should include full respect for the sovereignty of States and non-interference in their internal affairs and should not prejudice the specificities of their cultures and beliefs.

Secondly, we affirm the need to set up a strengthened, humane and unconditional international strategy for relief and assistance, to be sustained by adequate resources and the necessary political support based on neutrality, objectivity and justice. Such a strategy should be implemented by the United Nations bodies, organs, committees and humanitarian agencies in

cooperation with regional, subregional and non-governmental organizations, to secure humanitarian corridors and provide the necessary relief and humanitarian assistance to reduce the suffering of people affected by conflicts. According to the provisions of international law, the plans and programmes of this strategy should not be linked to the settlement of conflicts, as is the case in the occupied Palestinian territories.

In this connection, we call upon the international community to take the necessary measures to protect the Palestinian civilians from collective punishment and from the occupying Power's daily excessive violent measures against them. We appeal to it to exert the necessary pressure on Israel to oblige it to comply fully with its commitments, as set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War. We urge Israel to lift the inhumane and illegal blockade imposed on the Palestinian territories since 2006, especially on the crossing points of the Gaza Strip, and to end its arbitrary and unjustified constraints on access by tens of thousands of Palestinians to humanitarian assistance, including fuel and water, food aid and other basic assistance.

Thirdly, we affirm the need to enhance the system set up for monitoring, reporting and exchanging information on crimes against humanity committed during armed conflicts and for punishing the perpetrators so as to ensure that those crimes are not repeated. We call for developing the judicial arrangements made for addressing those crimes and for strengthening national and international capacities for investigation and prosecution. The rehabilitation process for the victims of those crimes and attacks must be improved, and the chances for victims to reach national and international criminal courts in order to obtain justice and the necessary compensation for crimes must be increased.

The United Arab Emirates strongly condemns all forms of targeting civilians during and after armed conflicts. It has participated in several humanitarian and relief assistance programmes and peacekeeping operations, including rehabilitation and mine clearing operations in many areas, with a view to mitigating the suffering of affected populations. It supports the five measures recommended by the Secretary-General in his report on the issue, which was endorsed by the Council. We hope that our discussions on this item today will help in creating the political will required to strengthen effective national and international efforts to protect civilians in all areas of armed conflicts.

The President: I now give the floor to Under-Secretary-General John Holmes to respond to the comments made.

Mr. Holmes: I will start by apologizing to members of the Council for my rather intermittent attendance today. That would not have been my wish, but there was urgent business connected to Myanmar that I had to attend to, so I ask the Council's indulgence for that. Nevertheless, I have listened very carefully to those parts of the debate I have been able to hear and to the comments that have been made, and of course the comments made in my absence have been fully reported to me.

I will say how much I welcome the clear commitment that I have heard from every speaker today to this important agenda of the protection of civilians in armed conflict, and the recognition by, I think, all speakers of the need to do more to ensure that our words are more than just words and that they are followed up by actions that have impact where they matter most, which is on the ground. There was also a very clear recognition by many, if not all, speakers that civilians are more than ever the main victims of the modern kind of conflict we so often see — that is, internal conflict within States rather than outright war between States.

Given that it is late, I will not try to respond to all the detailed points made by individual delegations, but let me comment briefly on some of the key points.

First of all, on the question of humanitarian access, I welcome the support that many speakers expressed for our own effort to improve our reporting on and analysis of access constraints in conflict settings in order to enable us to keep the Council better informed in a systematic way. Several speakers called for this monitoring to be proactive and to be a good basis for action. Clearly, such analysis will provide an opportunity for action in response to particularly grave situations, but by the same token it will produce an expectation of action by the Council. I am encouraged by the recognition of that fact, but it will be a challenge for us all to turn these expectations into truly effective mechanisms.

Secondly, on the question of provisions for the protection of civilians in peacekeeping mandates, which several speakers also referred to, and the question of how well those protection-of-civilian mandates are being implemented, clearly there is concern that the success of these provisions to date has been a little mixed. The reasons for that may vary — and they can arise at any stage of the establishment and implementation of a given mandate — from the actual language that is in the resolution to how the concept of operations and the rules of engagement for peacekeeping forces are actually elaborated to, finally, obviously, the actual implementation on the ground.

That is why, 10 years on from the establishment of the first express protection-of-civilians mandate in a peacekeeping forces mandate, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations have now commissioned an independent study to review each stage of that process, to look at where the fault lines are and where we have made progress and where we have made less progress, to identify the main difficulties encountered by the key actors — and therefore to identify areas where action is required — as well as to identify the good practices to be replicated in the future.

That will be a 12-month study, which should be finalized, I hope, around this time next year. We expect it to make recommendations for all the relevant actors concerned — that is the Council, of course, the troop-contributing countries, DPKO, OCHA and the special representatives of the Secretary-General on the ground — in order to try to make sure that all steps of the process can be improved and the ability of peacekeeping operations to protect civilians can be increased. Obviously, we will be reporting to the Council in due course on the findings and the recommendations of that report.

Thirdly, a number of speakers have referred to the Save the Children report, which I think was published today, drawing attention to continuing evidence of sexual exploitation and abuse by both humanitarian workers and peacekeepers. The Secretary-General issued a separate statement on this today that makes clear his concern at that report and his recognition that that continues to be a significant and painful issue, and one that we have to address candidly, comprehensively and robustly. As all members know, the United Nations has already taken a series of measures designed to tackle that problem. We are committed to training and monitoring our civilian staff and working with police- and troop-contributing countries to make sure that everybody has the highest codes of conduct available to them and is accountable for their behaviour in response to those codes of conduct. Nevertheless, we recognize that there is still more to do on this. There is still some way to go to try to put a stop to this shameful practice. Let me assure the members of the Council that we do take it extremely seriously and are in no way complacent about it.

Fourthly, there is the question — the broad question if you like — of accountability, which was mentioned in particular by several speakers in the context of sexual violence, but also in the context of violations of international humanitarian law, more generally. I welcome that emphasis on accountability, because it is very important in terms of trying to prevent violations in the first place, as part of the constant struggle to prevent a culture of impunity, which does such damage where it takes root, as we can see in countries such as the Democratic Republic of the Congo in the context of the sexual violence there.

Clearly, there has been quite a lot of progress in extending the reach of accountability mechanisms and international justice mechanisms, in particular through the International Criminal Court and other international judicial mechanisms. But, I think it is also worth drawing attention to the fact that States are also obliged to take steps at the national level to try to prevent and halt acts that contravene the 1949 Geneva Conventions and their Additional Protocols, and to search out, investigate and punish people who have committed or ordered the commission of grave breaches of the Geneva Conventions. It is at the national level also where we need to see far greater progress. Of course, the United Nations is prepared to help countries in doing that.

Fifthly, on the question of the expert group of the Council on the protection of civilians, I am heartened by the support expressed during the debate by many speakers for the establishment of such an expert group. Let me just repeat that we are not suggesting, as one or two speakers seemed to suggest that we were, the establishment of a formal subsidiary of the Council like the Working Group on Children and Armed Conflict. What we are suggesting is something significantly more modest than that: an informal forum for timely and systematic consultation on protection-

of-civilians concerns between all members of the Council and OCHA and other relevant departments of the Secretariat. The idea is to be able to communicate and exchange, systematically and transparently, information and analysis and, when necessary, propose language on protection matters to all Council members so that they have the best possible information when they are considering mandates or other protection-of-civilians issues. We believe that would help to ensure more consistent application of the existing aide-memoire and other protection-of-civilians concerns in the Council's deliberations. What we find is that our current efforts to engage the Council on those issues tend to be rather bilateral, ad hoc and, often, rather late. What we are therefore looking for through the expert group is some way, as I said, in a very informal and light way, of institutionalizing or regularizing and systematizing the exchange to make it more effective in all ways.

Several speakers also referred to the importance of regional organizations as regards the question of the protection of civilians. I agree very much that that is a dimension that we need to focus on. It is very much part of our current efforts to engage more with the relevant regional organizations in all parts of the world in order to help build the capacity they have inside those regional organizations to deal with humanitarian and protection-of-civilians affairs. For example, we recently established an OCHA liaison office with the African Union in Addis Ababa.

Many speakers referred to the problems in the occupied Palestinian territory, and in particular to the problems in Gaza. Let me repeat that we certainly still believe that there is a tragic situation in Gaza. We continue to appeal to Israel to relax the restrictions that it has put in place. Those restrictions have been described by many, including myself, as a kind of collective punishment. We hope that that can be brought to an end so as to allow Palestinians to live and breathe rather more than they have the chance of doing at the moment.

At the same time, it is clear that the indiscriminate rocket attacks from Gaza should stop. It is also particularly clear, at least to me, that the particularly cynical and unacceptable attacks against the crossing points by Hamas, or from within Gaza, are something that we should really focus on and try to prevent, because they simply cannot possibly be seen as helping the local Gaza population.

Finally, I think it was the representative of Myanmar who questioned my reference to access issues in the natural disaster context. The reason I did that was because it seemed to me to be slightly perverse, when I was addressing the Council at some length on the problems of access that apply in armed conflict and all the difficulties that that entails, not to mention that there is a separate aspect to this — which I made perfectly clear was outside the particular scope of this debate. But not to mention at all the problems of access we have been having in the particular natural disaster situation in Myanmar, which merit further consideration in due course, seemed to me slightly perverse.

Let me conclude there. I would like to thank all the speakers in the debate for the all the comments they have made, which we will certainly take very seriously. We look forward to the Secretary-General's next report, in the autumn and a further opportunity to brief the Council then on its main findings.

The President: Thank you very much, Mr. Holmes, for your briefing. It has been extremely helpful that you have been here for as much of today as you could have been. Thank you as well for the time you have taken to respond to many of the comments that have been made during the course of the debate.

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

> "The Security Council reaffirms its commitment to the full and effective implementation of its resolutions on the protection of civilians in armed conflict and recalls previous statements on the issue made by its President.
>
> "The Security Council remains committed to addressing the impact of armed conflict on civilians. The Council expresses its deepest concern that civilians continue to account for the majority of victims of acts of violence committed by parties to armed conflicts, including as a result of deliberate targeting, indiscriminate and excessive use of force and of sexual and gender based violence. The Security Council condemns all violations of international law, including international humanitarian law, human rights law and refugee law, committed against civilians in situations of armed conflict. The Council

demands that all relevant parties immediately put an end to such practices. The Council reaffirms in this regard that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians, in particular giving attention to the specific needs of women and children.

"The Security Council re-emphasizes the responsibility of States to comply with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law.

"The Security Council underlines the importance of safe and unhindered access of humanitarian personnel to provide assistance to civilians in armed conflict in accordance with international law and stresses the importance, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence.

"The Security Council recognizes the increasingly valuable role that regional organizations and other intergovernmental institutions play in the protection of civilians, and encourages the Secretary-General and the heads of regional and other intergovernmental organizations to continue their efforts to strengthen their partnership in this regard.

"The Security Council takes note of the Secretary-General's report of 28 October 2007 (S/2007/643) on the protection of civilians in armed conflict, and requests the Secretary-General to submit his next report on this subject by May 2009. The Security Council invites the Secretary-General to provide an update in that report on the implementation of protection mandates in United Nations missions as mandated by the Security Council. The Council encourages the Secretary-General to continue to include such updates on the protection of civilians in his regular reporting on United Nations missions."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2008/18.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.05 p.m.

United Nations S/PV.5899

Security Council

Sixty-third year

Provisional

5899th meeting

Wednesday, 28 May 2008, 10 a.m.

New York

President:	Sir John Sawers	(United Kingdom of Great Britain and Northern Ireland)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United States of America	Mr. DeLaurentis
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in the Middle East, including the Palestinian question

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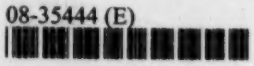

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Robert Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

It is so decided.

I invite Mr. Serry to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing from Mr. Robert Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General. I now give him the floor.

Mr. Serry: There have been a number of important political developments in the Middle East this month. The start of indirect Israeli-Syrian peace negotiations has been announced. Israeli-Palestinian negotiations are continuing. There have been new pledges of investment in the Palestinian economy and new measures announced to improve conditions on the ground in the West Bank. Egyptian-led efforts to achieve a ceasefire in Gaza are ongoing. In Lebanon, an Arab League initiative led by Qatar has produced agreement to unblock an 18-month political impasse.

The active roles that regional countries are playing in addressing the region's issues are commendable and deserve our support. Not least thanks to them, there are now various processes under way that have the potential to lastingly change the conflict-fraught face of the Middle East. At the same time, they all remain fragile. Underlying sources of tension must still be addressed through further political progress and action on the ground. Nowhere is this more urgent than on the Israeli-Palestinian track, to which I now first turn.

The confidential bilateral negotiations between Israel and the Palestinians are ongoing. Comprehensive discussions are under way, and the parties remain committed to the process. At the same time, it appears that important gaps remain to be overcome. When the Quartet met on 2 May in London, it stressed its continuing encouragement and support for the goal of reaching a peace treaty this year. United States Secretary of State Rice visited the region immediately after that meeting to push the Annapolis process forward, and United States President Bush underlined his support for the process during a subsequent trip.

The Quartet also emphasized the importance of tangible and visible progress on the ground to build confidence and create an atmosphere supportive of negotiations. In the economic sphere, the Ad Hoc Liaison Committee meeting, also on 2 May, stressed that Israel must enable Palestinian reform and economic revival; the Palestinians must continue their reform efforts; and regional and international players need to continue to provide concrete support.

We welcome the additional budget support to the Palestinian Authority from Arab countries and note that further donor support, particularly from the region, will be vital to address a $600 million budget shortfall. The United Nations plans to host the next meeting of the Ad Hoc Liaison Committee on the margins of the General Assembly in September.

The Palestinian Authority has finalized its 2008-2010 reform and development plan and has begun implementing nearly 200 development projects worth $250 million. A further 226 projects were recently approved by the Government.

A Palestine investment conference to attract private sector investment was held in Bethlehem from 21 to 23 May. Hundreds of foreign representatives and Palestinian businesses, including from Gaza, attended. Prime Minister Fayyad announced that investors pledged $1.4 billion for Palestinian business projects, including for major housing projects in the West Bank. Israel was supportive of the conference and issued more than 500 visas and permits to foreign investors, some from countries having no diplomatic relations with Israel.

On 13 May, Quartet Representative Tony Blair announced a package of measures coordinated with the parties to stimulate economic development, ease movement and access restrictions, develop the 60 per cent of the West Bank in Area C and build Palestinian

security capability and performance. The package also included measures to establish an economic and security zone around Jenin, which if successful could be replicated elsewhere.

These various measures hold promise, but action on the ground remains the key. As stressed by the Quartet, much more remains to be done to improve conditions, implement recent commitments and fulfil Road Map obligations. Some steps have been taken. For instance, Palestinian security forces have continued efforts to disarm and arrest militants. They seized a cache of illegal weapons and explosives in Bethlehem and, on 3 May, some 500 security personnel, mostly trained and equipped in Jordan with the assistance of the United States Security Coordinator, were deployed in and around Jenin. A European Union (EU) conference to support measures in the civil security and justice sector is scheduled for 24 June in Berlin.

Continued Palestinian efforts to meet its Road Map commitments on security need encouragement and support from all parties. In this context, we note that Israel has approved the reopening of 20 Palestinian police stations. However, Israel Defense Forces (IDF) incursions have continued in the West Bank, including in areas where Palestinian security forces are deployed. Additionally, Israel has not consented to the delivery of certain equipment for the Palestinian security forces.

Easing of movement and access remains an essential precondition for Palestinian economic revival. In this regard, the removal of two roadblocks in the southern West Bank and one in the Qalqiliya area should have a significant impact on commercial activity. Intentions to remove other obstacles will be subject to a security assessment, and five others are to be upgraded to facilitate improved movement. Further steps are vital, with the number of obstacles to movement in the West Bank now standing at over 600. We also note that Israel has announced the issuance of 5,000 special permits for Palestinian workers in Israel.

On 2 May, the Quartet expressed its deep concern at continuing settlement activity and called on Israel to freeze all settlement activity, including natural growth, and to dismantle outposts erected since March 2001, as required by the Road Map. However, construction continues in a majority of settlements, as does the building of settlement infrastructure in East Jerusalem and throughout the West Bank. This activity is contrary to international law and Security Council resolutions. We also note with concern a rising number of incidents of settler violence and insufficient signs of law and order being imposed on settlers.

Palestinian institutions in East Jerusalem remain closed by Israeli order, despite Road Map commitments. Hundreds of demolition orders remain pending against Palestinian structures in East Jerusalem, along with some 3,000 further orders in the remainder of the West Bank. The Government of Israel has undertaken to review these as part of Quartet Representative Blair's package.

Construction on the barrier continued within occupied Palestinian territory, in deviation from the Green Line and contrary to the advisory opinion of the International Court of Justice.

I now turn to Gaza and southern Israel, where the complex political, security, human rights and humanitarian crisis has deepened this past month. In total, four Israeli civilians were killed by Palestinian militants and at least 30 were injured during the reporting period. In total, 50 Palestinians, at least 18 of whom were civilians, among them 11 children, were killed during IDF operations during the reporting period, the great majority in Gaza. Two hundred and seven Palestinians were injured, including at least 22 children.

We condemn attacks by Hamas and other militant groups on Gaza crossing points. These attacks are also totally contrary to the interests of the civilian population of the Strip and run counter to all efforts to help them. Attacks on the Nahal Oz fuel terminal have played a significant part in the fuel crisis in the Strip. The Erez crossing, through which aid workers and urgent medical cases must pass, was closed until yesterday after a suicide bombing attack on 22 May, involving four tons of explosives in a truck and causing significant structural damage to the Erez terminal. The blast also damaged electricity lines between Gaza and Israel, causing a complete loss of electricity for six days to northern parts of Gaza. Kerem Shalom, the main crossing for goods into Gaza, has remained closed since an attack on it on 19 April.

We condemn the firing of indiscriminate rockets from Gaza into Israel. One hundred and ninety-one rockets and at least 183 mortars have been fired from Gaza at Israeli civilian targets or at crossing points since the Council was last briefed. These attacks are sometimes launched from civilian areas. Concerns continue to be expressed over alleged smuggling. On

14 May, a longer-range rocket hit a shopping mall in the Israeli city of Ashkelon, wounding dozens of civilians.

IDF operations, including land incursions and air attacks, also continued throughout the reporting period. While we acknowledge Israel's legitimate security concerns, we deeply deplore the killing and injuring of civilians in some of these operations. The IDF must seek to exercise maximum restraint and to comply with international law, so as not to endanger civilians.

Humanitarian conditions for the 1.5 million people in the Gaza Strip are increasingly grave. Those people are caught between the closure of crossings due to militant attacks and Israeli measures amounting to collective punishment. Approximately 5 per cent of the weekly average of petrol and 16 per cent of the weekly average of diesel entering Gaza prior to June 2007 were delivered during the reporting period, leading to a virtual cessation of vehicular traffic and a cessation of some of the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including food distribution, for four working days. Meanwhile, although 70 per cent of the amount of industrial fuel needs for the Gaza power plant entered Gaza during the reporting period, the power plant shut down entirely for two days on 10 May due to the sporadic nature of import and delivery.

Almost all Gazans face significant interruptions in their access to water, due to a lack of fuel and spare parts. Up to 80 million litres of raw and partially treated sewage continue to be discarded into the Mediterranean Sea every day. An estimated 600 tons of rubbish accumulates in the streets every day, with attendant health risks. In May, the catch by fishermen was 50 per cent of what it was in the same month last year. Meat shortages have been compounded by the destruction of two chicken farms on 17 May during IDF operations. No exports have left Gaza for five months, and only 77 trucks left during the six months before that.

The Rafah crossing to Egypt opened on an exceptional basis between 10 and 12 May, to allow 140 of 1,700 patients seeking medical treatment and about 750 students and others to cross into Egypt. Some 550 Gaza residents also crossed back into Gaza from Egypt.

Meanwhile, Palestinian institutions in Gaza are being increasingly separated from the Palestinian Authority itself, and Hamas-Fatah tensions are increasingly evident. In addition, Salafist elements are suspected of attacks on cafés and other institutions associated with Christians in Gaza during the reporting period.

In addition, no agreement has been reached on securing the release of captured Israeli soldier Gilad Shalit or of Palestinian prisoners. The International Committee of the Red Cross has still not been provided access to Corporal Shalit.

The United Nations has repeatedly made clear our concern that the situation in and around Gaza is unsustainable, and we have called for a different and more positive strategy for Gaza. In London, the Quartet threw its weight behind a new strategy for Gaza that would provide security for all Gazans, end all acts of terror, provide for the controlled and sustained opening of the Gaza crossings for humanitarian reasons and commercial flows, support the legitimate Palestinian Authority Government and work towards conditions that would permit implementation of the 2005 Agreement on Movement and Access.

We therefore commend and support the Egyptian efforts now under way to calm the violence and ease the situation on the ground. That effort is continuing through Egyptian contacts with representatives of Hamas and other groups in Gaza, and with the Israeli and Palestinian Governments. We strongly urge all parties to work constructively with Egypt in that vital effort.

I now turn to the Israel-Syria track. On 21 May, the Governments of Israel, Syria and Turkey issued simultaneous statements, confirming that Israel and Syria have started indirect peace talks under the auspices of Turkey. The two sides stated their intention to conduct those talks in good faith and with open minds. They decided to pursue the dialogue between them in a serious and continuous way, in order to achieve the goal of a comprehensive peace in accordance with the Madrid Conference terms of reference for peace.

This significant announcement comes after nearly two years of indirect contacts under Turkish auspices. The Secretary-General has warmly commended President Al-Assad and Prime Minister Olmert, as well as Prime Minster Erdoğan, for their efforts. We welcome the important possibilities opened by these

negotiations and hope that they yield progress on this important track of the peace process.

Turning to Lebanon, recent events in that country have been just short of tumultuous. Within the space of a few weeks, we have witnessed both the ruinous effects of sectarian violence and hope and optimism following the agreement of the Lebanese leaders in Qatar on 21 May.

In the two weeks preceding the 21 May agreement, Lebanon was hostage to instability and violence. On 6 May, the Lebanese Cabinet declared Hizbullah's exclusive telecommunications network illegal and unconstitutional and announced the dismissal of the chief of security of the Beirut international airport. In protest, Hizbullah closed all roads leading to and from Beirut airport and other principal roads in parts of the capital. That led to the cancellation of all flights to and from Beirut airport, bringing the country to an effective standstill. Hizbullah stated that its actions would continue until the Government rescinded both decisions.

Later that day, exchanges of fire between members of the opposition and pro-Government forces took place throughout several districts of Beirut. The violence soon escalated and spread to other parts of the country, including several areas of the Bekaa valley, Tripoli and northern Lebanon. Heavy fighting also occurred in the Chouf mountains, where reports indicated the use of rocket fire and heavy artillery.

Throughout that period, the United Nations remained in close contact with all parties aiming at containing the violence. Hostilities continued until 14 May, by which time approximately 69 people had been killed and over 180 injured.

On 14 May, a ministerial committee of Arab Foreign Ministers, headed by the Prime Minister of Qatar, Sheikh Hamad bin Jassem bin Jabr Al-Thani, and by the Secretary-General of the League of Arab States, Mr. Amr Moussa, travelled to Lebanon. The committee held discussions with the parties aimed at ending the immediate crisis. On 15 May, the Cabinet rescinded its decision of 6 May. Shortly afterwards, the Arab committee announced an inter-Lebanese understanding that called for calm on the streets and the withdrawal of all armed elements. The Beirut agreement also called for a Lebanese national dialogue to begin the following day in Doha, aimed at seeking consensus on the issues of a national unity Government and certain aspects of a new electoral law, thereby enabling the election of a President of the Republic.

Lebanese political leaders travelled to Doha on 16 May. Through the intense efforts of the Emir of Qatar, Sheikh Hamad bin Khalifa Al-Thani, the Prime Minister and Minister for Foreign Affairs of Qatar, Sheikh Hamad bin Jassim bin Jabr Al-Thani and the Secretary-General of the Arab League, Amr Moussa, the Lebanese leaders reached an understanding on 21 May regarding the formation of a national unity government and certain aspects of a new electoral law.

The Secretary-General welcomed the agreement and expressed his appreciation for the crucial diplomatic efforts of Qatar in assisting the Lebanese leaders to reach agreement on key issues. The Secretary-General also expressed his hope that the agreement would be the prelude to a lasting period of national reconciliation, political stability, peace and progress for the Lebanese and a stepping stone towards the full implementation of relevant Security Council resolutions.

Both the Doha and Beirut agreements emphasized the fundamental importance of reinforcing the authority of the Lebanese State over all of Lebanon. The Secretary-General supports the dialogue in that regard, to be continued under the chairmanship of President Suleiman, who was elected on 25 May 2008. He also welcomes in particular the stated commitment of the parties to reject the use of weapons or violence for achieving political gains.

In contrast with developments in Beirut, the situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) remained generally quiet during the past month. During the days of conflict in Beirut and other parts of the country, the Lebanese Armed Forces continued all their operational activities, and UNIFIL and the Lebanese Armed Forces continued to coordinate their operations as usual, without interruption.

This has been an extensive briefing, but, even by the standards of the region, it has been an event-filled month. I wish to conclude with three observations.

First, Egyptian efforts to achieve a calming of violence in and around Gaza are extremely important, and the United Nations strongly supports those efforts. The reopening of crossings for humanitarian relief and commercial flows, with the presence of the Palestinian Authority, will also be crucial if any calm is to be

sustained. A calming and easing of the situation in and around Gaza is essential for genuine progress in both the Israeli-Palestinian negotiations and in reuniting the West Bank and Gaza within the framework of the legitimate Palestinian Authority. For those reasons, I am actively engaged in supporting a more positive strategy on Gaza.

Secondly, progress must be intensified on the Annapolis track, both in the political negotiations and in action on the ground, notwithstanding the domestic challenges on both sides. We continue to press and support the parties to intensify cooperation on these issues and meet Road Map commitments. We encourage regional partners to continue and intensify their support of the bilateral process and express our strong support for the Arab Peace Initiative in that context.

Thirdly, we commend the leading role regional players are taking to find political solutions on several fronts. This is a positive development, offering potential on which we hope it is possible to build. The Secretary-General remains committed to the full implementation of all relevant Security Council resolutions and to a just, lasting and comprehensive peace in the Middle East.

The President: I thank Mr. Serry for his briefing, which, as he said, was extensive. But I think the situation on the ground has merited that. It was good that, in contrast with some previous briefings we have had, there were some positive elements to record as well as negative ones.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10:30 a.m.

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Security Council

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Official communiqué of the 5900th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Friday, 30 May 2008, at 10 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 5900th meeting, held in private on 30 May 2008, the Security Council considered the item entitled 'The situation in Georgia'.

"The President, with the consent of the Council, invited the representatives of Georgia and Germany to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"Members of the Council and the representative of Georgia had an exchange of views."

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